FEDERAL BUREAU OF INVESTIGATION
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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Total Deleted Page(s) = 2
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DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-30-2021 BY:

b6
b7C

ITINERARY -- L. PATRICK GRAY, III
February 23 thru 26, 1973

Friday, Feb. 23

12:15 PM	Depart Justice Building
12:59 PM	Depart National Airport via EA #177 (Lunch)
3:26 PM	Arrive Miami International Airport
	TBM by SAC Ken Whittaker
4:45 PM & RON	Arrive Marco Island Hotel 813/394-2511 (Suites 248 and 249)

Feb. 24 and 25

Marco Island

Monday, Feb. 26

10:00 AM	SAC Whittaker will drive to Airport
12 NOON	Depart Miami International via NA #108 (Lunch)
2:10 PM	Arrive Washington National
	TBM by SA Tom Moten
2:40 PM	Arrive Justice Building

72 - 2202-1

ENCLOSURE

[illegible]

TCF.UMF 2/24/73

Chattanooga Bank Robbery 5 Shots fired

1. Talked to young SA myself this morning. He shot [redacted] a felon with long record. 3 Pm yesterday afternoon

2. [redacted] Unlisted Regular

3. [redacted] 2 yrs svc. 28 yrs old.

b6
b7C

Marco Island, Florida 33937, 813/394-2511

72-2202-1

ENCLOSURE

55

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Baker RJB 5-7

DATE: 3/13/73

FROM : Legal Counsel

SUBJECT: CONFIRMATION
AUTHORITY OF THE PRESIDENT
TO ORDER INTERCEPTION OF
WHITE HOUSE COMMUNICATIONS

JUNE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

The Acting Director's /undated note, attached, discusses the President's power to order interception of communications between White House officials and Washington newspapermen. I can outline the law in this area for his information but my opinion is that though he enjoys the First Amendment guarantees as much as any other citizen, while speaking in his official capacity he should not enter into public discussion concerning these matters because:

1. They concern policy questions to be decided by the President.

2. They require review and judgment determinations by others specifically charged with such responsibilities, i.e. the Attorney General and the Federal judiciary.

3. They raise legislative questions which are the responsibility of the Congress.

4. The responsibility of the FBI is limited to adherence to the law and implementation of orders received from the Attorney General who may convey orders from the President.

ENCLOSURE

REG-91

62-115529-42

Enclosure

2 Xerox T. J. Smith
(1 for Special Prosecution Force)
4/30/74

1 - Mr. Felt
2 - Mr. Baker
1 - Mr. Bowers
1 - Mr. Mintz

18 MAY 9 1973

ROUTE IN ENVELOPE

JAM:deh
(6)

XEROX

MAY 14 1973

CONTINUED - OVER

SPEC. MAIL RM.

ENCLOSURE

72-2202-1

62-115529
13-25
5-7-73

UNRECORDED COPY FILED IN

Memorandum Legal Counsel to Mr. Baker
RE: CONFIRMATION
AUTHORITY OF THE PRESIDENT
TO ORDER INTERCEPTION OF
WHITE HOUSE COMMUNICATIONS

We must be guided by the opinions, advice, and orders of the Attorney General on questions of law basic to FBI operations; therefore, where such questions arise as whether the President has lawful authority to order interception (without judicial warrant) of communications between White House officials and newspapermen, the responsibility of the FBI is to consult the Attorney General before proceeding.

COMMENTS ON THE ACTING DIRECTOR'S NOTE

1. Legislation prohibiting the President from acting in regard to national security would probably be unconstitutional because the President's powers are derived from the Constitution (Article II, Section 1, "preserve, protect and defend the Constitution of the United States.") and may not be diminished by statute.

2. Two cases now pending at the Court of Appeals level (United States v. Butenko, No. 72-1741, (3rd Cir.); United States v. Enten, No. 71-1745 (U.S. App. D.C.)) concern the applicability to particular facts of the constitutional limitations on the President's powers to order interception described by the Supreme Court in United States v. United States District Court, 407 U.S. 297 (1972).

3. The law now on the Federal statute books does not authorize the President to intercept. Title 18 USC § 2511(3) confers no power on the President, it merely provides that Title III shall not be interpreted to limit or disturb such power as the President may have under the Constitution.

4. Interceptions designed to detect unauthorized access to confidential White House or state papers ordered by the President following his determination that such intercepts were essential to national security would be cloaked in the President's constitutional power. The statutory

CONTINUED - OVER

prohibition against interception without prior judicial authority should not overcome the constitutional mandate to the President. Therefore, it is unlikely the act of interception under these conditions could be prosecuted as a violation of law. However, as indicated by the decision of the Supreme Court in United States v. United States District Court, any evidence derived from such interception probably would not be admissible in a criminal prosecution of persons whose conversations were intercepted. Thus, the President could employ such measures for his own purposes but the results probably would not be useful for law enforcement purposes. It should be noted that Title III specifically provides that the contents of communications intercepted by authority of the President may be received in evidence in any trial hearing or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement the President's power (18 USC 2511(3)). The holding in the Supreme Court decision indicates that the word "reasonable" used in the statute would require prior judicial approval of such interception in order for the results to be used in evidence in a criminal case.

RECOMMENDATION:

That these legal issues not be the subject of public discussion by the Acting Director while speaking in his official capacity.

Agree.
This is one of our most sensitive national security areas, if not the most sensitive

3-14
9:00A

OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MR. FELT
MR. BATES
MR. BISHOP
MR. CALLAHAN
MR. CAMPBELL
MR. CLEVELAND
MR. CONRAD
MR. DALBEY
MR. JENKINS
MR. MARSHALL
MR. MILLER, E.S.
MR. PONDER
MR. SOYARS
MR. WALTERS
TELE. ROOM
MR. KINLEY
MR. ARMSTRONG
MS. HERWIG
MRS. NEENAN

Press & WH Officials have to reassure Haley part of America 70-0

If Congr. does not want Pres. to intercept for reasons of Nat'l security pass a law forbidding it; 2 cases now pending at Ct. of Appeals level which raise this question. Law now on Fed. Stat. Books authorizes Pres. to intercept.

I dont know about such interceptions I have examined our NS records and as I have testified there is no record there of intercepts of White House officials and Washington newspaper-men.

But if such intercepts were to be ordered by the President in connection with the theft of highly classified state papers dealing with the Nat'l Security it is my judgment that

XEROX
MAY 9 1973

ENCLOSURE 62-115529-42

I prepared this note of random thought while working in my apartment in Washing on Sunday March 11, 1973 - for possible us in response to continued Q's.

72-2002-1

G
3-14
9:02A

such intercepts should be undertaken to stop once and for all the theft and disclosure in almost a playful manner of some of our vital state secrets which must remain closely held if the President is to be able to function in the national interest.

It is a felony to intercept w/o lawful authority but having that authority from the Pres. to intercept in matters involving the nat'l. security is quite another thing - And stealing sensitive documents of the USG is itself a grievous & harmful felony —

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Towers
Mr. Thompson
Mr. [illegible]
Mr. Ryan
Mr. Sisco
Mr. Armstrong
Mr. Powers
Mr. Dalbeck
Mr. Hardy
Mr. Mintz
Mrs. Neenan

Mr. Baker 3/13/73

Legal Counsel

CONFIRMATION
AUTHORITY OF THE PRESIDENT
TO ORDER INTERCEPTION OF
WHITE HOUSE COMMUNICATIONS

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2. They require review and judgment determinations by others specifically charged with such responsibilities, i.e. the Attorney General and the Federal judiciary.

3. They raise legislative questions which are the responsibility of the Congress.

4. The responsibility of the FBI is limited to adherence to the law and implementation of orders received from the Attorney General who may convey orders from the President.

Enclosure
1 - Mr. Kinley
1 - Mr. Felt
3 - Mr. Baker
1 - Mr. Bowers
1 - Mr. Mintz

JAM:dch
(6)

CONTINUED - OVER

(70)

Memorandum Legal Counsel to Mr. Baker
RE: CONFIRMATION
AUTHORITY OF THE PRESIDENT
TO ORDER INTERCEPTION OF
WHITE HOUSE COMMUNICATIONS

We must be guided by the opinions, advice, and orders of the Attorney General on questions of law basic to FBI operations; therefore, where such questions arise as whether the President has lawful authority to order interception (without judicial warrant) of communications between White House officials and newspapermen, the responsibility of the FBI is to consult the Attorney General before proceeding.

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CONTINUED - OVER

Memorandum Legal Counsel to Mr. Baker
RE: CONFIRMATION
AUTHORITY OF THE PRESIDENT
TO ORDER INTERCEPTION OF
WHITE HOUSE COMMUNICATIONS

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RECOMMENDATION:

That these legal issues not be the subject of public discussion by the Acting Director while speaking in his official capacity.

[redacted]

February 26, 1973

RE: NEW YORK TIMES AND WASHINGTON POST ARTICLES CONCERNING ALLEGED WIRETAPS ON NEWSMEN

The New York Times and Washington Post featured articles in their 2/26/73, issues, concerning a Time Magazine story in the issue coming out 2/26/73, which accuses the FBI of having tapped the telephones three years ago of six or seven reporters and a number of White House aides in connection with leaks from Administration aides. The article related that Acting Director L. Patrick Gray III continued the taps for 1-1/2 months before the U.S. Supreme Court overruled the wiretap policy in June.

No record is known to exist in the files of the FBI concerning the wiretapping of telephones of reporters and White House aides as described in these news articles. Some hearsay knowledge does exist, however, that some newsmen and individuals connected with the White House were the subject of electronic surveillances during a period from probably early 1969 until sometime in 1971. The White House, concerned over the number of serious leaks of highly sensitive information to various news sources, instructed through the Attorney General that certain specified individuals, including newsmen of one kind or another, should be covered by electronic surveillance in an effort to identify the source of the leak.

This project was very tightly held in the FBI and only a very few persons were even remotely aware of it. The project was personally handled by Former Assistant to the Director William C. Sullivan, and even though he was not to utilize any Agent personnel not absolutely essential to the project, he had SA Bernie A. Wells review the tapes and logs and dictate summaries for use of the White House. Only one secretary was used to take dictation, [redacted] At least two Agents in the Washington Field Office had to know of the project, since the installation and monitoring had to be done in the field. These would have been Supervisor [redacted] and the Agent who handled technical matters in WFO.

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b7C

DOWNGRADED TO
SECRET
Per C28W34B64
Date 8/15/13

~~Classified by 183~~
~~Exempt from GDS, Categories 2 and 3~~
~~Date of Declassification Indefinite~~

ENCLOSURE 72-222

Since the project was so sensitive, all records relating to it, and which would identify the persons who were covered by electronic surveillance, were maintained in the personal custody of William C. Sullivan. Following his departure from the FBI, a search was made in an effort to locate these records, but they were not found. Subsequently, former SA Bernie A. Wells, who had taken a job with the Department of Justice and who was then associated with former Assistant Attorney General Bob Mardian, revealed that Mardian was in possession of the records relating to this sensitive project.

Sullivan was confronted concerning the records and he referred all questions concerning the records to the Attorney General. Mr. Hoover contacted the Attorney General concerning the records and the Attorney General said they had been turned over to Mr. Ehrlichman at the White House. Mr. Mardian was also contacted and he claimed that he had destroyed the records. It was subsequently determined that Sullivan apparently had given the records in a sealed package to former Assistant Director C.D. Brennan with instructions to turn them over to Mardian. Brennan said that he had no knowledge of the records, nor that they were in the package delivered to Mardian. Brennan was almost certainly aware of the existence of the project, since something of that magnitude could not possibly be kept completely secret. For one thing, Wells, who was handling the actual work, worked in Division Five, and had to spend a great deal of time in Sullivan's office on something that was obviously not within the scope of Division Five's day-to-day activity. Wells, though discreet to a point, was also not discreet to the point that it was easy to put two and two together if one was inclined to do so.

Insofar as the allegation that these taps continued on after Mr. Gray took over as Acting Director, a different set of circumstances exist. No newsmen were involved. On 12/22/71, the Attorney General personally contacted Mr. W. Mark Felt and instructed him that a wiretap be immediately instituted on [redacted] b6 b7C The Attorney General explained that these instructions had come directly from President Nixon following a Jack Anderson column 12/18/71, which disclosed conversations between the President and Mr. Henry Kissinger and between Dr. Kissinger and other high level officials at the White House. [redacted] who was a member of the same church as Anderson (Mormon) was the primary suspect of the leak to Anderson.

After clearing the matter with Mr. Hoover, Mr. Felt instructed that a wiretap be instituted on [redacted] and this was done 12/22/71. Subsequently, after the wiretap disclosed that [redacted] was confiding in various persons concerning the fact he was a suspect in the leak of information to Anderson, the Attorney General instructed that a wiretap be instituted on [redacted] a close associatedof [redacted] The fact that our records had disclosed that [redacted] from the Navy, and who had once been assigned [redacted] may have contributed to the decision to cover [redacted] since the element of possible foreign intelligence activity was introduced. The wiretap on [redacted] was instituted 1/5/72.

b6
b7C

Later, on 1/14/72, a wiretap was instituted, again on the personal instructions of the Attorney General, on [redacted], an employee of the State Department who was also close to [redacted] and to [redacted] She had also served in [redacted]

b6
b7C

After a Navy investigation established that [redacted] was acquainted with Jack Anderson, and a polygraph examination indicated some unaccounted-for relations with Anderson, the Navy decided to transfer [redacted] to the West Coast. This was done rather suddenly and he ended up in Portland, Oregon at the home of his step-father and foster mother. The Attorney General again instructed that coverage be instituted of [redacted] at the home of his step-father, [redacted] After several days the Navy sent [redacted] to the Naval Reserve Training Center, Salem, Oregon, and the Attorney General instructed that coverage be afforded [redacted] at [redacted] and at his private residence when he moved in and got a phone. Coverage was instituted at the [redacted] 2/7/72, and at [redacted]s home on 2/15/72.

b6
b7C

The taps on [redacted] were discontinued on 2/17/72. The taps on [redacted] and the [redacted] were discontinued on 4/11/72. The tap on [redacted] was discontinued at 9:00 AM on 6/20/72, following the Supreme Court decision in the Keith Case. It was not discontinued until 6/20/72, as the other cases had been on 6/19/72, since we were awaiting instructions from the White House.

b6
b7C

Although we have a careful record of the various steps of the coverage of [redacted], we have no written instructions or authorizations from either the Attorney General or the White House concerning the matter. Our records have been kept completely isolated from other FBI records, and there are no indices whatsoever relating to this project. The number of wiretaps involved in the project (only the [redacted] project) was integrated into the total of wiretaps when such totals were used publicly by Mr. Hoover. This was at the specific instruction of Mr. Hoover. b6 b7C

At the time the [redacted] project was started in December, 1971, no other White House-requested electronic surveillance projects were in existence in the FBI. There is little likelihood that anyone connected with the previous projects, such as Sullivan, Wells, Brennan, [redacted] had any information whatsoever concerning the [redacted] project. Only Messrs. Hoover, Tolson, Felt, D.S. Miller, and T.J. Smith in the FBI knew of the [redacted] in fact. Reports, typed on unmarked bond as blind memoranda not identifying the FBI in any way, were sent to Mr. John D. Ehrlichman (Eyes Only) at the White House in double-sealed envelopes by Liaison. We know, however, that they were initially handled by one of Ehrlichman's assistants, Dave Young (who was known as "the plumber" in the White House). Copies of all such reports were also furnished to the Attorney General (Eyes Only) in double-sealed envelopes, and delivered to the Attorney General's personal secretary by T.J. Smith in every instance. Copies of reports to the ATTOrney General were not delivered to the present Attorney General. b6 b7C

As a matter of pertinence, our coverage during the [redacted] project did in fact reveal a rather close and somewhat surreptitious relationship between [redacted] and Jack Anderson. b6 b7C

1- MR. NUZUM
1- MR. LONG

Airtel

9/30/74

TO: SAC, WFO REC 107 PERSONAL ATTENTION

FROM: Director, FBI 72-2202-1

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT)
OO: WFO

Enclosed are two copies of a memorandum dated 9/18/74 with attachments thereto, received from the Special Prosecution Force.

This case, which obviously is a very sensitive one, should be handled in the same expeditious, careful fashion as have other cases emanating from the Special Prosecution Force. In view of the extensive background information possessed by the WFO SAs who have handled the series of highly confidential "Watergate" cases, investigation to be conducted in other divisions is to be handled by these WFO Agents. When leads are to be conducted in other divisions, the Bureau is to be advised in advance in order that arrangements can be made with the SACs of the particular field offices. This is the same procedure being followed in the companion cases. The investigation to be conducted at FBIHQ will also be arranged by the Accounting and Fraud Section when WFO advises that the proper time for handling this investigation has arrived.

The results of the conferences with Assistant Special Prosecutors Jay Horowitz and Frank Martin should be brought to the attention of the Bureau on a timely basis. The same report writing instructions that have applied in the companion cases should be followed in connection with this matter.

Enclosures

HAND DELIVERED TO WFO, 9/30/74, CAN

CAN/amm(5)

NUSUM

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

MAIL ROOM ☒ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
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Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Gebhardt

DATE: 10/1/74

FROM : R. E. Long

1- Mr. Long
1- Mr. Nuzum
1- Mr. Marshall

SUBJECT: WATERGATE AND RELATED MATTERS

In accordance with previous arrangements made concerning maintaining case files in captioned matter, the case file captioned "Louis Patrick Gray, III, Perjury, Accounting and Fraud Section - Watergate Unit," Bureau file 72-2202, will be maintained in Room 2241 in the Accounting and Fraud Section.

As the need arises to maintain additional case files in the Watergate Unit, Files and Communications Division will be advised in a similar manner.

ACTION: For information.

JJC/amm
72-2202

REC- 106

72-2202-2

OCT 4 1974

Place 1cc in 66-17404 Conf. File

84 OCT 8 1974

UNRECORDED COPY FILED IN 66-17404-99

2- Mr. Nuzum

Airtel

TO: SAC, WFO

11/5/74

FROM: Director, FBI

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT)
BUREAU FILE 72-2202
REC-100

REMOVAL OF NATIONAL SECURITY
WIRETAP RECORDS
OOJ
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT)
BUREAU FILE 72-2190
WFO FILE 72-194

Enclosed for WFO are four copies of a lengthy memorandum dated 10/29/74, with attachment, received from the Special Prosecution Force requesting additional investigation concerning captioned matters.

Prior instructions concerning these very sensitive investigations are reiterated and both of these cases must continue to be handled on a "need-to-know" basis. It is noted that certain investigative requests deal with Gray's matter while others deal with the removal of national security wiretap records matter, and reports should be submitted in each case to properly set forth information developed concerning the particular case involved.

It is observed that many of these investigative requests will require assistance of the Accounting and Fraud Section, FBIHQ, to facilitate the investigation. WFO should continue to contact the Watergate Unit in this regard when the proper time comes to conduct each item of the investigative request.

UNRECORDED COPY FILED IN

Enclosures (8)

HAND DELIVERED TO SA A.I. LAND, WFO 11/5/74. CM WAF

CAN/amm (8)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director's Sec'y ____

84 NOV 21 1974

MAIL ROOM ☐ TELETYPE UNIT ☐

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: October 29, 1974

FROM : Henry S. Ruth, Jr.
Special Prosecutor
Watergate Special Prosecution Force

SUBJECT: Gray Perjury and Removal of Wiretap Records

Louis Patrick Gray III

At the request of this Office, the Bureau has been conducting an investigation of certain aspects of both the removal from the custody of the FBI of the records of the seventeen White House ordered wiretaps and alleged perjury by former Acting Director Gray concerning these wiretaps. Set forth below are additional leads concerning both of these matters which should be investigated by the Bureau.

1. During Mr. Gray's confirmation hearings, Mr. Felt and all Assistant Directors were regularly sent copies of the daily transcript of the hearings. The purpose of this procedure was to have knowledgeable Bureau officials review the transcripts and call Mr. Gray's attention to any errors in his testimony and/or areas which might require further elaboration, including insertions for the record. The Bureau should seek to locate Mr. Felt's and Mr. Mintz's copies of these transcripts for March 1, 1973 (morning), March 1, 1973 (afternoon), and March 8, 1973 (morning). This Office has received all transcripts which were reviewed by the Domestic Intelligence Division except for March 1, 1973 (morning). Inspector Thomas J. Smith has testified that in early May, 1973, he gave this transcript to Mr. Ruckelshaus and that it was never returned to him. The Bureau should seek to locate this transcript. It is suggested that members of Mr. Ruckelshaus' staff such as Mr. Conmy, Mr. Baise, and Mr. Eardley as well as Mr. Leonard Walters, may have some knowledge of the location of this transcript.

EXP. PROC. NOV 1 1974

UNREC COPY AND COPY OF ENCL FILED IN

REC- 106

72-2202-3

airtel to SAC, WFO (encs 8) CAN/amr 11/5/74

18 NOV 12 1974

2- ENCLOSURE

2. There is evidence that S.A. Richard Cotter worked with Inspector T.J. Smith in reviewing the transcripts of Mr. Gray's confirmation testimony. Mr. Cotter should be interviewed concerning this procedure as well as his knowledge of the White House ordered wiretaps and any discussions he had concerning these wiretaps.

3. On February 26, 1973, at 3:00 p.m., Mr. Felt was scheduled to have his regular Monday afternoon staff conference. There is no evidence concerning whether or not this meeting took place. The Bureau should determine whether or not this meeting occurred and if the meeting occurred, participants other than Messrs. Felt and Miller should be interviewed to determine what, if any, discussion occurred concerning the Time magazine allegations with regard to wiretapping of journalists and White House personnel.

4. On February 14, 1973, the Washington Post published an article alleging that Messrs. Hunt and Liddy, while working for the Plumbers, had had access to information derived from Bureau wiretaps. On March 16, 1973, Mr. Smith submitted to Mr. Miller a memorandum rebutting the Post allegations. Mr. Smith's memorandum notes that "the Acting Director instructed that a detailed analysis be prepared of this article." Mr. Smith has testified that he has been unable to locate any memoranda, notes or other evidence concerning Mr. Gray's "instructions" to prepare such an analysis. The Bureau should seek to locate any evidence relating to these instructions.

5. The Bureau should determine whether or not the Time magazine article alleging White House ordered wiretaps and/or newspaper articles reporting on the Time allegations were clipped and circulated within the Bureau. If this was done, any documents relating to the circulation of this article should be provided.

6. On March 1, 1973, Attorney General Richard Kleindienst sent a letter to Senator Edward Kennedy

denying Time magazine's allegation concerning White House ordered wiretaps. The file copy of this letter indicates that it was prepared by Departmental attorney Jack Davitt. Mr. Davitt should be interviewed concerning the preparation of this letter. It should also be noted that in this letter, it was stated that Mr. Kleindienst had personally discussed the Time allegations with Mr. Gray. Mr. Gray, in his March 1, 1973, testimony, denied having such a conversation with Mr. Kleindienst. During Mr. Gray's March 8, 1973, testimony, Senator Kennedy placed in the record Mr. Kleindienst's letter. Mr. Gray, however, continued to deny that he had spoken with Kleindienst.

7. During the course of this Office's investigation of Mr. Gray's confirmation hearings, this Office has requested certain documents from the Bureau which, for specified reasons, have not been provided. The Bureau has been willing, however, to have these documents examined by Mr. Ruth. Due to the necessity of having someone familiar with the facts of this case conduct such an examination, it is suggested that the agents assigned to this case examine these documents. Specifically, these agents should review the personnel files of Mr. Sullivan and Mr. Brennan, Mr. Gray's briefing book on the operations of the Domestic Intelligence Division, and a February 27, 1973, Smith to Miller memorandum concerning national security wiretaps.

8.(a) The Bureau should seek to determine what disposition was made of documents in Mr. Gray's possession at the time of his resignation. Bureau personnel involved in reviewing and inventorying these documents should be interviewed.

(b) At the time of Mr. Gray's resignation, it is believed that certain documents and notes may have been in the possession of Mr. Lichenstein. The Bureau should determine what disposition was made of these documents.

(c) The Bureau should determine what documents were in the possession of Mr. Felt at the time of his retirement and what disposition was made of these documents.

9. Bureau records should be checked to determine whether or not Messrs. Felt, Miller, and Smith were at work over the weekends of February 24, 25, 1973; March 3, 4, 1973; and March 10, 11, 1973.

10. During the first days of Mr. Ruckelshaus' tenure at the Bureau, i.e. from roughly April 28, 1973, to May 14, 1973, he received a number of briefings concerning both the Ellsberg case and the White House ordered wiretaps. The exact sequence and contents of these briefings should be established through interviews of Bureau personnel involved such as Messrs. Wannall, Wagoner, and Walters. Also, Mr. J.T. Smith and [redacted] should be interviewed concerning the events leading to the dismissal of the Ellsberg case. In particular, it is important to establish exactly when each of these individuals first learned of the Halperin wiretap and/or the overhears of Daniel Ellsberg. A copy of Mr. Ruckelshaus' logs for the time period in question is enclosed. b6 b7C

As to Mr. Walters, he should also be questioned concerning his contacts with Mr. Felt during this time period and any statements made by Mr. Felt concerning the White House ordered wiretaps. Also Mr. Walters and others involved in supervising the Inspection Division investigation should be questioned about any discussions with regard to whether or not Mr. Gray had committed perjury during his confirmation testimony concerning these wiretaps and whether or not such alleged perjury should be referred to the Special Prosecutor's Office for investigation.

11. At the request of this Office, the Bureau has been investigating the circumstances surrounding the preparation by the Bureau in July, 1971, of responses to elsur check requests on Daniel Ellsberg and Morton Halperin. Similar checks were conducted in May, 1972, and February, 1973. The Bureau should provide this Office with copies of those documents relating to these elsur checks and should interview Bureau personnel involved in these elsur checks. In conducting these

interviews, it should be kept in mind that a number of Bureau officials, such as Messrs. Felt, Miller, and Smith were, by virtue of Mr. Smith's October, 1971, reconstruction of the wiretap project, aware of the wiretap on Morton Halperin. It should also be noted that these elsur checks were in response to a court order but that as to Halperin the court order required the production of overhears of Halperin occurring after November 28, 1971. Mr. Miller has testified that the fact that the court order did not cover the time period of the Halperin wiretap, i.e. May, 1969, to February, 1971, was discussed among Bureau personnel. Any such discussion by Bureau personnel with Messrs. Felt, Miller, Smith, and/or others should be fully explored.

12. On May 12, 1972, Bureau headquarters sent a teletype to the Washington Field Office instructing that a compilation of telephone records which had been prepared with regard to the Ellsberg investigation should be destroyed. The Bureau should determine why these records were ordered to be destroyed.

13. Departmental Attorney John L. Martin has testified that in July, 1971, he aided then Assistant Attorney General Mardian in his preparation for a trip to San Clemente to see Mr. Nixon. Mr. Martin further testified that at this time he had an extensive briefing session with Mr. Mardian concerning the Pentagon Papers case and supplied Mr. Mardian with copies of a number of documents. Mr. Martin also testified that others working in the Internal Security Division may have assisted him in this task. At the time of his testimony Mr. Martin could not recall the names of other employees who may have assisted him on the precise documents he provided to Mr. Mardian. The Bureau should interview Mr. Martin concerning all aspects of Mr. Mardian's trip to San Clemente. Other ISD personnel who Mr. Martin may identify as possibly having assisted him in briefing Mr. Mardian should also be interviewed. It is important to determine whether or not FBI personnel, such as Messrs. Sullivan, Brennan or Wells, met with Mr. Martin immediately prior to the San Clemente trip or shortly thereafter. In this regard, Bureau records should be checked to determine whether Messrs. Sullivan, Brennan, Wells or other FBI personnel assigned to the Pentagon Papers case were at work over the weekend of July 10, 11, 1971.

14. The following initials have been observed on various documents from the SPECOV file. The identities of those individuals should be ascertained by the Bureau and each individual should be interviewed concerning his or her role in the seventeen White House ordered wiretaps as well as any role played by these individuals in the Pentagon Papers investigation, and/or the Gray confirmation hearings.

INITIALS	SERIAL
FJC	65-75085 -89
AJB (?)	65-75085 -119
AJB (?)	65-75085 -149
MS (?)	65-75085 -195
mls (steno)	65-75085 -305 & 319
JHP (?)	65-75085 -37
WSH	65-75085 -37
G.Q. (? - possibly [redacted]	65-75085 -37
JEC (?)	65-75085 -69
lrb (steno)	65-75085 -140
sjr (steno)	65-75085 -177
ams (steno)	65-75085 -53

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15. The Bureau should determine whether or not Mr. G. Gordon Liddy was required to "sign in" upon entering the Federal Triangle Building. In this regard, other evidence indicates that Mr. Liddy was present in the Federal Triangle Building on August 11, 1971. If Mr. Liddy was required to "sign in" these access records should be reviewed to determine when Mr. Liddy was present in the Federal Triangle Building during the period from June 13, 1971, to December 1, 1971.

Attachment

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE THURSDAY MAY 3, 1973

ME	Caller	VIA	Action	Initials
1:37	(ADMINISTRATOR GSA) MR ARTHUR SAMPSON	TELE	SPOKE TO MR RUCKELSHAUS	RST
1:06	MR. RUCKELSHAUS	TELE	(MR. GARMENT'S OFFICE) MR. PARKER - SPOKE ✓	RST
1:39	[redacted]	TELE	SPOKE TO MR RUCKELSHAUS	RST
1:32	(WHITE HOUSE) MR. LEONARD GARMENT ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RST
1:55	MR ROY ASH	TELE	SPOKE TO MR RUCKELSHAUS	RST
2:10	MESSRS WALTERS, MILLER, HUDNUT	PERS	SAW MR. RUCKELSHAUS	RST
1:05	MR RUCKELSHAUS	TELE	(WHITE HOUSE) ✓ SPOKE TO MR LEONARD GARMENT	RST
1:06	MR. RUCKELSHAUS	TELE	SAC McDERMOTT - LEFT WORD	RST
1:12	ASSISTANT DIRECTOR CONRAD	PERS	SAW MR RUCKELSHAUS	RST
1:29	SAC McDERMOTT	TELE	LEFT WORD	RST
1:53	(WHITE HOUSE) MR. DOUGLAS PARKER ✓	TELE	SPOKE TO MR. RUCKELSHAUS	EJG
2:02	MR RUCKELSHAUS	TELE	SAC Mr. DERMOTT - SPOKE	RST
1:31	Deputy A.G. Sneed	TELE	SPOKE to Mr. RUCKELSHAUS	EJG
1:44	MR. GARY BAISE	TELE	SPOKE to MR. RUCKELSHAUS	EJG
2:09	MR. Robert ERY	TELE	SPOKE MR RUCKELSHAUS	RST
2:10	SENATOR DOMENICI	TELE	LEFT WORD	RST
1:33	MR. RUCKELSHAUS	TELE	SPOKE TO SENATOR DOMENICI	RST
1:48	MR RUCKELSHAUS	TELE	[redacted] - LEFT WORD	RST

CONTINUED ON NEXT PAGE

INSPECTOR:					
	IN - 7:40	IN - 2:45	IN -	IN -	IN -
	OUT 2:43 (DAS)	OUT - 6:40	OUT -	OUT -	OUT -

ENCLOSURE 73-2202-3

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DAILY LOG Page 1

DIRECTOR'S OFFICE

FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Thursday May 3, 1973

Time	Caller	VIA	Action	Initials
1:54	D A G Sworn	Tele	Spoke to Mr Ruckelshaus	RST
2:08	Mr Ruckelshaus	Tele	Spoke to Senator Dominick	RST
3:12	Assistant Director Richard Baker	Pers	Saw Mr Ruckelshaus	RST
3:49	Mrs. Ruckelshaus	Tele	Spoke to Mr Ruckelshaus	RST
4:24	Mr. Ruckelshaus	Tele	Spoke to [redacted]	RST
4:44	Mr. Ruckelshaus	Tele	Spoke to Mr J. T. Smith	RST
5:00	[redacted]	Tele	Spoke to Mr Ruckelshaus (Sec. Richardson's Office)	RST
5 05	Mr. Ruckelshaus	Tele	Spoke to Mr. J. T. Smith	PED
6 33	Asst. Dir. Miller	Tele	Spoke to Mr. Ruckelshaus	PED
9 31	Office Closed			PED

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b7C

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE FRIDAY MAY 4, 1973

Time	Caller	VIA	Action	Initials
7:50	SA W.R. WANNELL	PERS	SAW MR RUCKELSHAUS	RST
7:52	SA WAGNER	PERS	SAW MR RUCKELSHAUS	RST
7:35	MR A. JAMES BORNES	TELE	SPOKE TO MR RUCKELSHAUS	RST
9:17	MR RUCKELSHAUS	TELE	SPOKE TO ASST. A.G. PETERSEN	RST
9:32	MR RUCKELSHAUS	TELE	SPOKE TO SENATOR BAKER	RST
9:47	[redacted]	PERS	SAW MR. RUCKELSHAUS	RST
	Bureau Photographer			
1:24	MESSRS WALTERS, Miller, Smith	PERS	SAW MR. RUCKELSHAUS	RST
1:49	ASST. AG HENRY E. PETERSEN	PERS	SAW MR RUCKELSHAUS	RST
2:14	MR RUCKELSHAUS	TELE	MR. J.T. SMITH-SPOKE	RST
2:23	MR RUCKELSHAUS	TELE	(White House) MR. DOUG PARKER-LEFT WORD	RST
2:29	MR JACK HUSHEN	TELE	SPOKE WITH MR RUCKELSHAUS	RST
2:38	MR BOB TEETER	TELE	SPOKE TO MR RUCKELSHAUS	RST
2:44	MR. W.R. WANNELL (SA)	TELE	SPOKE TO MR RUCKELSHAUS	RST
2:58	MR RUCKELSHAUS	TELE	ASST AG HENRY PETERSEN-SPOKE	RST
3:00	MR T.J. SMITH	PERS	SAW MR. RUCKELSHAUS	RST
3:23	Messrs. Henry Petersen, J.T. Smith and MARONEY	PERS	SAW MR RUCKELSHAUS	EJG
4:05	MR. RUCKELSHAUS	TELE	MR. JACK HUSHEN-~~LEFT~~ WORD	EJG

(CONTINUED ON NEXT PAGE)

DIRECTOR:	IN - 7:40 AM	IN - 10 48	IN - 1:49	IN -	IN -
	OUT - 9:30 (DAG)	OUT - 12:40 (AG)	OUT - 5 55	OUT -	OUT -

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DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION PAGE 2

FILE [signature] 5/7/73

DATE Friday, May 4, 1973

Time	Caller	VIA	Action	Initials
4:15	Mr. Jack Hushen	Tele	Spoke to Mr. Ruckelshaus	EJG
4:58	(San Francisco) [redacted]	Pers	Saw Mr. Ruckelshaus	EJG
5:05	Asst. A.G. Dixon	Tele	Spoke to Mr. Ruckelshaus	EJG
5:21	Mr. Jack Hushen	Pers	Saw Mr. Ruckelshaus	EJG
5 43	Mr. Ruckelshaus	Tele	Left Word for Sen. Dole	PED
6 16	Mr. Ruckelshaus	Tele	Spoke to Mr. J.T. Smith	PED
6 34	(Beverly Hills, Calif.) [redacted]	Tele	Spoke to Mr. Ruckelshaus	PED
9 31	Office Closed			PED

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b7C

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE

DATE Monday, May 7, 1973

Time	Caller	VIA	Action	Initials
			ESCORTED MR. RUCKELSHAUS	
8 59	SA [redacted]	PERS	TO Rm. 7314 FOR PHOTO	RET
9 21	ASST. DIRECTOR WALTERS	PERS	SAW MR. RUCKELSHAUS	RET
10 07	ASST. DIRECTOR BAKER & STAFF ; & MR. BARNES	PERS	SAW MR. RUCKELSHAUS	RET
10 36	225-4944 SENATOR HOWARD H. BAKER, JR.	TELE	LEFT WORD	EJG
12 30	LUNCH WITH MESSRS. EARDLEY, CONMY, BAISE & BARNES		MR. RUCKELSHAUS AT LUNCH—	RET
1 10	MR. JACK HUSHEN	TELE	CANCELLED CALL	RET
3 00	ASST DIR. SOYARS (215) 699-5311	PERS	SAW MR. RUCKELSHAUS	PED
3 46	[redacted]	TELE	LEFT WORD	PED
4 00	ASST. DIR. THOMPSON	PERS	SAW MR. RUCKELSHAUS	PED
5 07	[redacted]	TELE	SPOKE TO MR. RUCKELSHAUS	RET
5 12	SEN. ROBERT DOLE	TELE	SPOKE TO MR. RUCKELSHAUS	PED
5 22	MR. RUCKELSHAUS	TELE	SPOKE TO MR. J. T. SMITH	PED
9 31	OFFICE CLOSED			PED

DIRECTOR:	IN - 7 40	IN -	IN -	IN -	IN -
	OUT - 6 18	OUT -	OUT -	OUT -	OUT -

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b7C

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Tuesday, May 8, 1973

Time	Caller	VIA	Action	Initials
10 21	(PHILA., PA.) [redacted]	TELE	LEFT WORD	RET
10 25	(OFF. OF LEGISLATIVE AFFAIRS) Asst. AG James D. McKevitt	TELE	SPOKE TO MR. RUCKELSHAUS	RET
10 39	Asst. AG Henry Petersen	TELE	SPOKE TO MR. RUCKELSHAUS	RET
10 57	Mr. Ruckelshaus	TELE	(WHITE HOUSE) [redacted]	RET
11 05	Insp. John A. Mintz	PERS	SAW MR. RUCKELSHAUS	RET
11 46	(WESTINGHOUSE BROADCASTING CO.) [redacted] + Crew	PERS	FILMED INTERVIEW WITH MR. RUCKELSHAUS	RET
	Insp. Jack E. Herington			
12 30	LUNCH WITH MESSRS. EARDLEY AND BARNES			RET
1 29	Mr. Ruckelshaus	TELE	[redacted] - SPOKE	RET
1 45	Mr. Ruckelshaus	TELE	(BUFFALO, N.Y.) [redacted] - SPOKE	RET
1 50	Mr. Ruckelshaus	TELE	(INDIANA STATE) [redacted] - LEFT WORD	RET
1 53	Mr. Ruckelshaus	TELE	(INDIANAPOLIS, IND.) [redacted] - NO ANSWER	RET
1 53	[redacted]	TELE	SPOKE TO MR. RUCKELSHAUS	RET
1 53	Mr. Ruckelshaus	TELE	[redacted] - LEFT WORD	RET
2 03	Mr. Ruckelshaus	TELE	SENATOR BAKER - LEFT WORD	RET
2 26	Asst. Dir. Marshall	PERS	SAW MR. RUCKELSHAUS	RET
	SA Bruce Fisher & Mr. Miller			
2 47	[redacted]	TELE	SPOKE TO MR. RUCKELSHAUS	RET

(CONTINUED ON NEXT PAGE)

DIRECTOR:				
IN - 7 50	IN - 9 55	IN -	IN -	IN -
OUT - 8 45 DR. WEISS	OUT - 6 45	OUT -	OUT -	OUT -

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DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

PAGE 2

FILE 5/4/73

DATE Tuesday, May 8, 1973

Time	Caller	VIA	Action	Initials
2 29	Senator Howard Baker (Ind. State Univ.)	Tele	Left Word	PED
2 39	Pres. Alan Rankin	Tele	Left Word	PED
3 08	Insp Bowers	Pers	Saw Mr. Ruckelshaus	PED
4 04	[redacted]	Tele	Spoke to Mr. Ruckelshaus	RET
4 31	[redacted]	Tele	Left Word	RET
5 19	[redacted]	Tele	Spoke to Mr. Ruckelshaus	PED
9 31	Office Closed			PED

b6
b7C

INSPECTOR:					
	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -	IN - OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE Wednesday, MAY 9, 1973

Time	Caller	VIA	Action	Initials
			(DEFENSE DEPT.)	
9 16	MR. RUCKELSHAUS	TELE	MR. J.T. SMITH - SPOKE	RET
9 26	MR. RUCKELSHAUS	TELE	ASST. AG HENRY PETERSEN - SPOKE	RET
9 35	ASST. AG HENRY PETERSEN + AIDE, [redacted]	PERS	SAW MR. RUCKELSHAUS	RET
12 13	MR. RUCKELSHAUS	TELE	ASST. AG HENRY PETERSEN - SPOKE	RET
1 10	MR. RUCKELSHAUS	TELE	ASST. AG HENRY PETERSEN - LEFT WORD	RET
1 12	MR. RUCKELSHAUS	TELE	MR. J.T. SMITH - LEFT WORD	RET
1 37	AAG HENRY PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	PED
1 47	MR. J.T. SMITH	TELE	SPOKE TO MR. RUCKELSHAUS	PED
2 39	AAG HENRY PETERSEN	TELE	LEFT WORD	PED
3 05	MR. RUCKELSHAUS	TELE	SPOKE TO AAG PETERSEN	PED
3 09	MR. RUCKELSHAUS	TELE	SPOKE TO SEN. HOWARD BAKER	PED
3 31	MR. RUCKELSHAUS	TELE	SPOKE TO AAG PETERSEN	PED
3 57	(ASST. TO SEC., DOT - 426-4537) MR. JOHN HIRTEN	TELE	LEFT WORD	RET
4 04	MR. RUCKELSHAUS	TELE	MR. KLEINDIENST - OUT, CANCELLED CALL	RET
4 07	MR. RUCKELSHAUS	TELE	MR. J.T. SMITH - LEFT WORD	RET
4 23	MR. RUCKELSHAUS	TELE	MR. JOHN HIRTEN - SPOKE	RET
4 54	ASST. AG HENRY PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	RET
	(CONTINUED ON NEXT PAGE)			

DIRECTOR:					
	IN - 7 50	IN - 2 48	IN - 5 37	IN -	IN -
	OUT - 2 26	OUT - 4 56	OUT - 7 48	OUT -	OUT -

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DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

PAGE 2

FILE

DATE WED., MAY 9, 1973

Time	Caller	VIA	Action	Initials
5:04	DEPUTY AG SNEED	TELE	LEFT WORD	RET
5:11	MR. J. T. SMITH	TELE	RED ASST. AG PETERSEN'S OFFICE FOR MR. RUCKELSHAUS	RET
5:40	MR. RUCKELSHAUS	TELE	SPOKE TO DEPUTY AG SNEED	PDD
5:09	MR. RUCKELSHAUS	TELE	SPOKE TO AAG PETERSEN	PDD
7:31	OFFICE CLOSED			

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE 5/11/73

DATE THURS., MAY 10, 1973

Time	Caller	VIA	Action	Initials
9 33	Dr. [redacted]	TELE	SPOKE TO MR. RUCKELSHAUS	RET
9 58	MR. RUCKELSHAUS	TELE	MR. KLEINDIENST — SPOKE	RET
10 39	MR. KLEINDIENST	TELE	LEFT WORD	RET
10 42	MR. RUCKELSHAUS	TELE	MR. KLEINDIENST — SPOKE	RET
12 46	ASST. AG HENRY PETERSEN	TELE	LEFT WORD	RET
1 11	MR. RUCKELSHAUS	TELE	ASST. AG HENRY PETERSEN — NO ACTION	RET
1 22	ASST. DIRECTOR MILLER	TELE	MR. RUCKELSHAUS RETURNED CALL VIA INTERCOM	RET
2 02	Asst. Dir's. Walters & Miller,	PERS	SAW MR. RUCKELSHAUS	PED
|	SA T.J. Smith & Mr. Eardley	|	| |	|
2 50	MR. RUCKELSHAUS	TELE	SPOKE TO AAG PETERSEN	PED
5 14	(CEQ) CHAIRMAN RUSSELL TRAIN	TELE	SPOKE TO MR. RUCKELSHAUS	PED
5 28	MR. RUCKELSHAUS	TELE	SPOKE TO [redacted] 755-2700 FRI	PED
5 44	MR. WILLIAM C. SULLIVAN	TELE	SPOKE TO MR. RUCKELSHAUS	PED
5 46	MR. BOB TEETER	TELE	SPOKE TO MR. RUCKELSHAUS	PED
5 51	MR. RUCKELSHAUS	TELE	SPOKE TO MR. J.T. SMITH	PED
9 31	OFFICE CLOSED			PED

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b7C

DIRECTOR:	IN - 8 23	IN - 10 29	IN - 11 25	IN - 4 10 (WITH 2 22 ENTRY 1955 MR. WALTERS)	IN -
	OUT - 9 59 AG	OUT - 10 58	OUT - 2 52 AAG PETERSEN	OUT - 6 35	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE _____

DATE FRI., MAY 11, 1973

Time	Caller	VIA	Action	Initials
7 54	Mr. Ruckelshaus	Tele	Asst. AG Henry Petersen - Left Word	RET
7 56	Asst. AG Henry Petersen	Tele	Spoke to Mr. Ruckelshaus	RET
9 25	Mr. Ruckelshaus	Tele	Mr. J. T. Smith - Spoke	RET
9 33	Mr. Ruckelshaus	Tele	Asst. AG Henry Petersen - Spoke	RET
10 43	Asst. AG Henry Petersen	Tele	Spoke to Mr. Ruckelshaus	RET
11 14	Mr. Ruckelshaus	Tele	Mr. Leonard Garment, White House - Spoke ✓	RET
12 07	Mr. Ruckelshaus	Tele	Mr. Russell Train - Left Word	RET
12 32	Mr. Bob Teeter	Tele	Left message "will be late for lunch" - Messrs. Cabalan & Ruckelshaus advised	RET
12 50	Mr. Ruckelshaus	Tele	Asst. AG Henry Petersen - - Spoke	RET
1 11	Mr. Bob Teeter	Pers	Lunch with Mr. Ruckelshaus	RET
1 43	Mr. Russell Train	Tele	Left Word	RET
1 43	Asst. AG Petersen	Tele	Left Word	RET
1 47	Dr [redacted]	Tele	Left Word	RET
2 10	Mr. Ruckelshaus	Tele	Spoke AAG Petersen	PES
2 14	Mr. Ruckelshaus	Tele	Spoke ✓ to Mr. Leonard Garment	PES
2 20	Mr. Leonard Garment ✓	Tele	Spoke to Mr. Ruckelshaus	PES
2 24	Mr Ruckelshaus	Tele	Spoke to AAG Petersen	PES
3 15	Mr. Ruckelshaus	Tele	Dr [redacted] - Spoke	RET
	(Continued on Next Page)			

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b7C

DIRECTOR:					
	IN - 8 23	IN - 3 15	IN - 5 - 36	IN -	IN -
	OUT - 2 25 Asst. AG Petersen	OUT - 4 41 AG & Petersen	OUT - 7 23	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

PAGE 2

FILE

DATE Fri., MAY 11, 1973

Time	Caller	VIA	Action	Initials
3:43	MR. RUCKELSHAUS	TELE	ASST. AG HENRY PETERSEN-SPOKE	LEW
4:01	CHAIRMAN RUSSELL TRAIN	TELE	Left word	LEW
4:44	ASST. AG PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	RET
5:26	Judge Patrick Sullivan	TELE	LEFT WORD RE CANCELLATION of appt. for 5/14/73	PED
5:37	(COUNSEL TO PRES.) MR. J. FRED BUZHARDT	TELE	SPOKE TO MR. RUCKELSHAUS	RET
5:51	AAG HENRY PETERSEN	TELE	Spoke to Mr. Ruckelshaus	PED
5:56	MR. RUCKELSHAUS	TELE	LEFT WORD F/B SEC. RICHARDSON	PED
5:57	MR. RUCKELSHAUS	TELE	SPOKE TO MR. J. T. SMITH	PED
6:12	MR. RUCKELSHAUS	TELE	SPOKE TO MR. BUZHARDT	PED
6:19	AAG HENRY PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	PED
6:56	AAG HENRY PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	PED
7:01	AAG HENRY PETERSEN	PBS	SAW MR. RUCKELSHAUS	PED
7:05	MR. LEONARD GARMENT	TELE	LEFT WORD	PED
9:31	OFFICE CLOSED			PED

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE 5/14/73

DATE SUNDAY, MAY 13, 1973

Time	Caller	VIA	Action	Initials
3 02	(COUNSEL TO PRES.) MR. J. FRED BUZHARDT	TELE	LEFT WORD	JLC RET
3 40	(ORG. CRIME SECT., DIV. 9) SA JOHN E. KELLY, JR.	TELE	SPOKE TO MR. RUCKELSHAUS	JLC RET
5 25	MR. J. FRED BUZHARDT	TELE	SPOKE TO MR. RUCKELSHAUS	JLC RET

DIRECTOR:	IN - 1 05	IN -	IN -	IN -	IN -
	OUT - 5 50	OUT -	OUT -	OUT -	OUT -

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE

DATE MONDAY MAY 14, 1973

Time	Caller	VIA	Action	Initials
8:08	ASST DIRECTOR WALTERS	OHS	SAW MR. RUCKELSHAUS	RST
8:11	MR. RUCKELSHAUS	TELE	SPOKE TO TOM SMITH	RST
9 14	MR. J. FRED BUZHARDT ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RET
9 42	MR. J. FRED BUZHARDT ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RET
10 00	(DEP. FED. ELECTIONS - GAO) MR. PHILLIP S. HUGHES	PERS	SAW MR. RUCKELSHAUS	RET
10 00	MESSRS. FELT, WALTERS & WILLIAMSON	PERS	SAW MR. RUCKELSHAUS	RET
10 25	MR. RUCKELSHAUS	TELE	MR. CONMY (HUSHEN'S OFFICE) - SPOKE	RET
10 29	[redacted] ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RET
11 11	MESSRS. FELT, WALTERS, MILLER, HERRINGTON, FULTON & T.J. SMITH	PERS	SAW MR. RUCKELSHAUS	RET
11 19	MR. KLEINDIENST (MISRA-JAXA, IND)	TELE	SPOKE TO MR. RUCKELSHAUS	RET
11 25	MR. HAL C. COLEMAN, JR. ✓	TOUR DESK	REGRETS EXPRESSED - WILL CALL BACK	RET
12 25	MR. J. FRED BUZHARDT	TELE	SPOKE TO MR. RUCKELSHAUS	RET
1 10	MESSRS. EARDLEY, BAISE, CONMY & BARNES	PERS	LUNCH WITH MR. RUCKELSHAUS	RET
1 15	MR. J. FRED BUZHARDT ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RET
1 37	MR. JACK HUSHEN	PERS	SAW MR. RUCKELSHAUS	RET
2 54	[redacted]	TELE	LEFT WORD	RET
3 09	MR. J. FRED BUZHARDT ✓	TELE	SPOKE TO MR. RUCKELSHAUS	RET
3 15	ASST. AG PETERSEN	TELE	LEFT WORD	RET
	(CONTINUED ON NEXT PAGE)			

DIRECTOR:	IN - 7:50	IN - 2 55	IN -	IN -
	OUT - 2:00	OUT - 5 57	OUT -	OUT -

b6
b7C

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

PAGE 2

FILE 5/15/73

DATE MON., MAY 14, 1973

Time	Caller	VIA	Action	Initials
3 19	MR. RUCKELSHAUS	TELE	ASST. AG PETERSEN — LEFT WORD	RET
3 21	ASST. AG PETERSEN	TELE	SPOKE TO MR. RUCKELSHAUS	RET
4 40	(TREASURY) SEC. GEORGE P. SHULTZ.	TELE	SPOKE TO MR. RUCKELSHAUS	RET
4 52	MR. RUCKELSHAUS	TELE	MR. CONMY - SPOKE	RET
5 16	MR. RUCKELSHAUS ~~MR. J.T. SMITH~~	TELE	MR. J.T. SMITH — LEFT WORD	RET
5 24	MR. RUCKELSHAUS	TELE	CHRMN. RUSSELL TRAIN — SPOKE	RET
5 42	Mr. J.T. Smith	TELE	Spoke to Mr. Ruckelshaus	PSO
7 31	Office Closed			PSO

DIRECTOR:	IN -	IN -	IN -	IN -	IN -
	OUT -	OUT -	OUT -	OUT -	OUT -

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF

Memorandum

Assoc. Dir.	✓
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Eval.	
Spec. Inv.	
Training	
Telephone Rm.	
Director Sec'y	

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: November

FROM : Henry S. Ruth, Jr.
Special Prosecutor
Watergate Special Prosecution Force

SUBJECT: L. Patrick Gray III - Perjury

In connection with the above-captioned investigation, would the Bureau please provide this Office with a copy of Mr. Felt's notes of Executive Conference meetings. I understand that Mr. Horner of your Intelligence Division is presently in possession of these notes.

REC- 106 72-2202-4

DEC 5 1974

72-2202

1 ENCLOSURE

EX-102

3-12-73

WATERGATE

SEGRETTI

72-2202-4

ENCLOSURE

GABRIEL HAUGE
CHAIRMAN OF BOARD
MFGS HANOVER TRUST

JOHN LEE
EXECUTIVE V.P.
NEW YORK CLEARING HS

(1) MEMO FOR A.G.
ON FITZPATRICK

(2) CONRAD - VOICEPRINT

9-14-72

I MILLER AIO

URBAN GUERILLA -

PHONE

[redacted]

b6
b7C

NCIC MEETING 9-19-20

VOTED TO CONTINUE PRESENT POLICY OF DEDICATED OR CONTROLLED SYSTEMS

BIRMINGHAM WOULD LIKE TO HAVE A TERMINAL INSTEAD OF WORKING THRU STATE.

CHIEFS STRONGLY FEEL THAT THERE SHOULD BE SOME FORM OF AUDIT OF CRIME REPORTING BY VARIOUS DEPARTMENTS. AGREED THAT IACP WOULD BE LOGICAL AGENCY TO HANDLE —

POLICE SEMINARS AT FBI ACADEMY ATTENDED BY POLICE REPRESENTATIVES HANDLING SIMILAR MATTERS —

INFLATION SHOULD BE TAKEN INTO CONSIDERATION IN COUNTING CRIMES.

II WHAT STEPS COULD BE TAKEN TO OFFSET - PRESS MEDIA EXPLOITATION OF ALLEGED POLICE BRUTALITY.

JUSTICE DEPARTMENT SHOULD ADVISE P.D. THAT INVESTIGATION DISCLOSED NO EVIDENCE OF BRUTALITY

A.D. WILL TAKE UP WITH A.G.

CH GARMIRE - FRUSTRATION OF WOULD-BE BLACK LEADERS BY WANING SUPPORT OF RANK & FILE

III SOVARS - UCR

SITUATION AT PORTLAND

"AGGRAVATED ASSAULTS" - ANY WAY TO CLEARLY SHOW THAT 70% ARE DOMESTIC SITUATIONS?

MIAMI - 54% MURDERS ARE DOMESTIC SITUATIONS -

MULTIPLE CRIMES - COUNT ALL - EXAMPLE - 1 BURGLARY 5 ROOMS IN HOTEL - 5 CRIMES

SYMPOSIUM FOR CHIEFS OF PATROL

IV ORGANIZED CRIME

CLEVELAND —

TITLE III

V TRAINING JENKINS —

VI LABORATORY CONRAD

VII GENERAL CRIMES - BATES

HIJACKING -

VIII IDENTIFICATION - WALTERS

$$\begin{array}{r} 12 \\ 7000 \\ \hline 84{,}000 \end{array}$$

$7 \times 12 \times 1000$

9-18-72

I CCH DEDICATED COMPUTERS

URBAN POLICE FUNCTIONS

NEED MORE TIME IN SYMPOSIUM - NEEDS TO BE A DATA BANK OF IDEAS OF VARIOUS DEPARTMENTS -

CATEGORIZE N.A. CLASSES

9-21-72

IV LABORATORY CONRAD

VOICE PRINTS - LAB HAS STUDIED SINCE 1930 - NO WAY!

NEUTRON ACTIVATION = UNIQUE COMBINATIONS - PRESENCE OF MINUTE QUANTITIES

V ORGANIZED CRIME

NARCOTICS - LIAISON AGENTS

VI GENERAL CRIMES

VII IDENTIFICATION —

10-5-7

EX CONF

(1) UPI - Q+A

(2) BETTER HAVE TOP LEVEL CONTACT. WANT TO MAKE AN IMPACT

(3) ORGANIZED CRIME

10-70	761
9-70	500
	1261

11-19-70 DIRECTOR TESTIFIED 1361

BRING UP TO 1261
SET FORTH GUIDELINES
AS TO HOW COUNTED

1-17-73

① AD HOC COMMITTEE

COULD WE DELAY PHASE II OF AIR-CONDITIONING - WE GET ALL THE DISADVANAGE ~~OR~~ BUT NONE OF THE ADVANTAGES

② G.S.A.

③ ALL RECOMMENDATION APPROVED FOR AD HOC COMMITTEE

④ COMMITTEE ON PUBLIC JUSTICE - GIVEN DATA TO JUDICIARY COMMITTEE

⑤ ROTATION OUT OF NTO

IMPACT ON CASE LOAD?

1 CONVICTION IN 8

WHY WHITTIER?

1-31-93

EX CONT=

ITSP
$5000 + I.S. TRANSPORTATION

VI WAIT TILL BOTH FACTORS ARE PRESENT

OTHER SIDE # INVESTIGATE ALL OVER $50,000

LEGISLATIVE HISTORY OF $5000 FIGURE -

$50,000 LEADS TO CONCLUSION THAT WOULD HAVE TO GO INTERSTATE -

② LOG OF KILLINGS BY BLACK MILITANTS -

COORDINATION OF INFORMATION

① THEFT OF WEAPONS
② ANY KILLING BY BLACKS
③ THREATS

③ JENKINS MUST SEE ALL DATA OF THIS SORT TO EVALUATE TRAINING REQUIREMENTS FOR POLICE DEPTS -

WHAT SHOULD THESE OFFICERS HAVE DONE?

ARTICLE FOR LAW ENFORCEMENT BULLETIN - BOSS'S REMARKS TO TERROR SYMPOSIUM -

* ④ TRAINING DIVISION MUST HAVE BENEFIT OF CASES + MUST EVALUATE. WE MUST GET MORE DETAILS -

TRAINING DIVISION TO HANDLE

(5) HORROR STORY - EFFECT OF BUDGET CUTS

2.5-78

b6
b7C

(1) [redacted] CASE

A STREET CRIME
B RACIAL
C ATTACK ON LEADERSHIP

40 AGENTS - PAIRING OFF WITH MEMBERS OF HOMICIDE SQUAD

GEORGE WILSON
ALL GUNS BEING TESTED
22 CALIBRE - SENT TO LAB.

WINN - DIXIE 10.000
NPA 10.000

WHO ADMINISTERS

(2) WATERGATE —

(A) GULF - PERSONAL OR CORPORATE

(B) [redacted] - FALSE FINANCIAL STATEMENT

b6
b7C

(C) [redacted]

(D) HAVE BEEN ANY SIMILAR INTERVIEWS AT WHITE HOUSE IN PRESENCE OF ATTORNEY ? DIV 6 HANDLING —

(E) BLOW BY BLOW ACCT RE TURNOVER OF HUNT DOCUMENTS - NUZUM HANDLING —

11-7-72

I INSPECTIONS - WALTERS

AIDES AVE 12 MONTHS
INSPECTORS " 7 "

60% INVEST ORS
40% REMAINDER

II SELECTION BOARD

MORE S.A.C.S

III CIVILIAN PATROLS IN LARGE CITIES

ROLE OF VIGILANTES? JENKINS

IV LAW ENFORCEMT ADVISORY GROUPS

CAN WE AFFORD TO REJECT THEIR RECOMMENDATIONS?

JENKINS

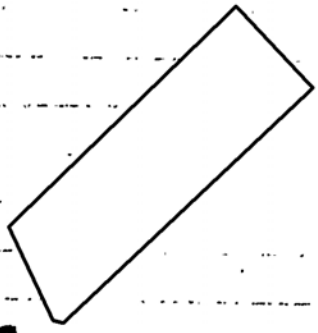
ALTERNATIVES INC CONTINUATION

COULD WE LIMIT THE SCOPE + CONTINUE - RELEASE TO PUBLIC

(A) GET MEMO ON HOW TIII ACTUALLY WORKED BY AGENT MONITOR —

(B) EMERGENCY

b6
b7C



3:30

(C)

2-22-73

BRIEFING

(1) 6-19-73 SHOT OFF AFTER KEITH CASE

5 CUT OFF

(2) DOMASTIC
FOREIGN
TITLE III

TESURS 78

MISURS 18

(3) GET THE KEITH CASE GUIDELINES —

AVE TIII 13 DAYS

A.G. APPROVAL 15 DAYS

8.2 AGENTS AVE · TIII

(4) CONSENSUAL MONITORING

2-22-73

EXECUTIVE CONF

① ORGANIZED CRIME [redacted] N.Y.O.S.A. b6 b7C

Ⓐ GAMBINO - CARLO

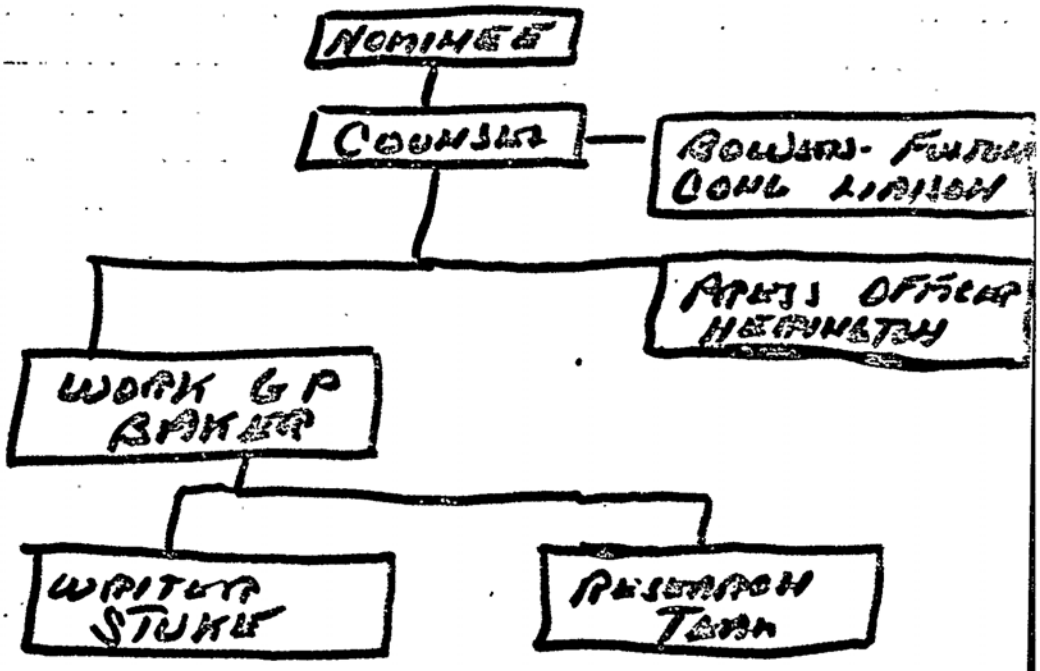
Ⓑ LUCHESE —

Ⓒ GENOVESE -

Ⓓ EVEOLA . (BONANO)

Ⓔ COLUMBO -

② DIRCON



③ BUDGET -

1-30-73

RES 1 + 3

OKAY TO PROCEED

④ NAME OF DID

9-8 AG TO HAHOLE IN HOUSE

9-26 D.J. MEMO GIVING US GO AHEAD

2-22-7[illegible]

I RUSSIAN GRAIN CASE

(1) DEPT MEMO -
(2) DECKER MEMO ON CALL FROM JOHN DEAN
(3) CALL RECOUF WITH DEPT - PETERSON
(4) MEMO FROM DEPT TO (26) INVESTIGATE CONFLICT OF INTEREST. WE HAD AGENT ACCOMPANY ~~[illegible]~~ AG AUDITORS
(5) FULL SCALE INVESTIGATION
A CONFLICT OF INT. PALMBY
B FRAUD IN SUBSIDY
C " COMMODITY MKT
(6) A.G. LETTER OF COMMENDATION
(7) WHAT ARE RESULTS OF OIG INVESTIGATION AS EVALUATED BY O.J.? + SEC - CEA -
(8) WHERE WAS SPIRO?

Copies 4
Committee

Forward card?

Wanted person
CCH

22373

(1) BRIEFING - NCIC - CCH - UCI

(A) LEAA - CRIMINAL INTELLIGENCE -

(B) U.S.A.G. CAN OVERRIDE STATE LICENSE STATUTE

(C) 11-71 GROUND ZERO - CCH FEDERAL OFFENDERS ENTERED IN CCH BEGINN. 1-70

ARIZONA -
ILLINOIS -
FLORIDA -
NEW YORK -
PENNA -

} STATES IN CCH -

SYSTEMS
ELECTRONIC
ANALYSIS
RETRIEVAL
CRIMINAL
HISTORIES

(1) HUNT'S MISSING PAPERS

(2) [redacted] NOTEBOOK

b6
b7C

3-24-73

① BRIEFING WATERGATE

7-21 FIRST MEMO TO DEPT ?

② CHRONOLOGY OF CONTACTS WITH WH. + DEPT.

③ GET FOR DIRECTOR INSTRUCTIONS SENT TO OTHER FIELD OFFICES RE PRIORITY — 6-20-7

① BATES MEMO

② POSITIVES + NEGATIVE

③ DALBEY MEMO

Hushen - Cont -

2-27-93

I AIM

WHEN DID WE DO CRIME SCENE?

[redacted]

b6
b7C

NOTES + PICS FROM - WHITTEN?

TOLL CALLS

22773

II WATERGATE

6-17 - 7-21

(1) WHAT WAS EXTENT OF CHECK OF FONES - SOUND ABUTS? TELEPHONE MICH?

(2) WHAT ABOUT SUMMARIES

T.B.s. AGAINST?

[redacted]

ROY MOORE

100% RIGHT NOW

b6
b7C

3-12-73
11:40 A.M.

WOULDN KNEE

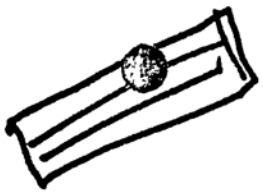
(1) REINSTITUTE ROADBLOCKS
FBI AGENTS INC

(2) AFFIDAVIT FROM EACH AGENT

(3) ROY MOORE [redacted] 3 IN
[redacted] 3 OUT

b6
b7C

(4) 100 AGENTS IN
50 AGENTS OUT



1. TITLE III
2. SECURITY TAPS

[redacted] SITUATION

b6
b7C

3. 2:00 MILLER
4. 3:00 EX CONF
5. 4:00 WOUNDED KILLED EBERHARDT.
   HIJACKINGS
6. ~~RIOT~~
   CHECK BELL
   ON [redacted] PHONE

b6
b7C

MAINTAIN
THE INTEGRITY OF

b6
b7C

(1) [redacted]

(2)

(3) JACK COMM'T PRESS

(4) GARY RAISE CONG LIAISON ADMINISTRATIVE

(5) CARL LANDLEY ADVISORY EXAMINE EVIDENCE

(6) [redacted] ADMINISTRATIVE

HAUGE
CH CLEARING HS HSH

EMERGENCY FUND - FED

1 - Mr. Nuzum

November 27, 1974

REC- 106 72-2202-4

BY SPECIAL COURIER

LOUIS PATRICK GRAY, III
PERJURY

Reference is made to memorandum dated November 21, 1974, from the Special Prosecution Force in which a copy of notes by former Associate Director W. Mark Felt from executive conference meetings was requested.

Enclosed is one Xerox copy of the full contents of the notebook maintained by Mr. Felt.

Other investigation previously requested in this matter is continuing and you will be advised upon receipt of that information.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Enclosure

NOTE: Original and one copy LHM forwarded to SPF with enclosure by O-14 this date.

1 - 62-115944

AGB:cjl (5)

Hand delivered to H. Ruth's sec. Barbara Segretti by AT Wilcken 11/29/74 JOC

72-2202

WAF

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
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Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director's Sec'y ____

84 DEC 2 3 1974

MAIL ROOM ☑ TELETYPE UNIT ☐

62-115944-

Airtel

To: SAC, Washington Field

12/16/74

From: Director, FBI

1 - Mr. Nuzum
1 - Mr. Mintz

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION - WATERGATE UNIT)
OO: WFO

Enclosed for Washington Field Office are copies of 19 memoranda, together with a listing of those memoranda which were requested by SA Charles W. Harvey, Washington Field Office, on 12/12/74, during interview with SA John J. Clynick, Accounting and Fraud Section, FBIHQ.

Enclosures (20)

JJC/lrk
(5)

NOTE This relates to the investigation our Washington Field Office (WFO) is conducting at the request of the Special Prosecution Force (SPF) into alleged perjury by Mr. Gray at his confirmation hearings in March, 1973. This alleged perjury deals with the 17 national security wiretaps.

On 12/12/74 SA John J. Clynick was interviewed by SA Charles W. Harvey, WFO, at the request of the SPF that all Bureau personnel be interviewed who were involved in the reviewing and inventorying of documents in possession of Mr. Gray at the time of his resignation. SA Clynick, who was then assisting in the supervision of the Watergate case, on three occasions subsequent to Mr. Gray's resignation received and/or inventoried such documents. The memoranda concerning these events and other relevant memoranda were reviewed by SA Harvey, some of which he requested copies for the SPF.

EX-[illegible] REC 68 72-2202-5

The dissemination of these memoranda has been cleared with Assistant Director Mintz.

22 DEC 17 1974

WAF

JVC

MAILED 14
DEC 16 1974
FBI

20- ENCLOSURE

56 DEC 24 1974

MAIL ROOM TELETYPE UNIT

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)ep. AD Adm. ____
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lan. & Eval. ____
)oc. Inv. ____
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gal Coun. ____
ephone Rm. ____
)ector Sec'y ____

FD-36 (Rev. 5-22-64)

FBI

Date: DECEMBER 3, 1974
PLAINTEXT

Transmit the following in TELETYPE (Type in plaintext or code)

Via ____ URGENT (Priority)

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director Sec'y	

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293) (P)

LOUIS PATRICK GRAY, III. PERJURY (ACCOUNTING AND FRAUD SECTION-WATERGATE UNIT) (00:WFO)

RE BUREAU TEL CALL TO WFO, DECEMBER 3, 1974.

DANIEL "MAC" ARMSTRONG, FORMER ADMINISTRATIVE ASSISTANT TO FORMER ACTING FBI DIRECTOR L. PATRICK GRAY,III, WAS INTERVIEWED ON NOVEMBER 19, 1974, BY SAs ANGELO J. LANO AND CHARLES W. HARVEY CONCERNING CAPTIONED MATTER. ARMSTRONG IS CURRENTLY EMPLOYED AS AN ATTORNEY WITH THE FEDERAL COMMUNICATIONS COMMISSION (FCC), 1919 M STREET, N.W., WASHINGTON, D.C. (WDC).

IN PART, ARMSTRONG PROVIDED THE FOLLOWING INFORMATION CONCERNING THE SO-CALLED WHITE HOUSE ORDERED WIRETAPS WITH RESPECT TO GRAY'S CONFIRMATION HEARINGS:

THE FIRST TIME HE RECALLS THAT THE SUBJECT OF THE SPECIAL WIRETAPS CAME UP BETWEEN HIMSELF AND GRAY WAS AT

72-2202-6

1-Bureau (Handcarry)
1-Tickler

REC-102

DEC 19 1974

CWH:cmr
(2)

Approved: ____ Sent ____ M Per ____
Special Agent in Charge

84 DEC 30 1974

GPO : 1970 O - 402-735

FD-36 (Rev. 5-22-64)

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____ _____
(Priority)

NOON ON THE SECOND DAY OF THE CONFIRMATION HEARINGS, THURSDAY, MARCH 1, 1973. HE (ARMSTRONG) HAD NOT BEEN PRESENT AT THE MORNING SESSION ON THAT DATE BUT GRAY RELATED TO HIM THE GENERAL NATURE OF THE MORNING SESSION, INCLUDING THE FACT THAT THE SUBJECT OF WIRETAPS HAD BEEN BROACHED. HE CANNOT RECALL FOR CERTAIN, BUT GRAY MAY HAVE SAID THAT HE WAS GOING TO "CHECK THE RECORDS" TO DETERMINE IF THE BUREAU HAD INSTITUTED ANY WIRETAPS ON NEWSMEN AT THE REQUEST OF THE WHITE HOUSE.

ON ANOTHER DAY DURING THE HEARINGS, EXACT DATE NOT RECALLED, BUT SOMETIME IN MID-MARCH, GRAY, ARMSTRONG, AND MS. BARBARA HERWIG, WERE LUNCHING TOGETHER WHEN THE SUBJECT OF WIRETAPS CAME UP AGAIN. GRAY REITERATED THAT HE KNEW NOTHING CONCERNING ANY SUCH WIRETAPS WHEREUPON ARMSTRONG AND HERWIG TOLD HIM THAT THEY KNEW THROUGH "GRAPEVINE SOURCES" THAT SOME SECRET WIRETAPS HAD EXISTED. GRAY'S RESPONSE WAS TO THE EFFECT, "WELL, BY GOD, I FOUND NO RECORD OF IT."

LATER, DURING THE SAME INTERVIEW OF ARMSTRONG, HE WAS SPECIFICALLY ASKED TO IDENTIFY HIS "GRAPEVINE" SOURCE WHO HAD CONFIRMED THE EXISTENCE OF THE WIRETAPS IN QUESTION. ARMSTRONG REPLIED THAT HIS SOURCE WAS BUCK REVELL WHO,

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-735

FD-36 (Rev. 5-22-64)

A

FBI

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____ _____
(Priority)

PAGE THREE WFO 74-293

AT THE TIME IN QUESTION, WAS ASSIGNED TO THE INSPECTION STAFF. WHEN ASKED TO PINPOINT THE TIME HE LEARNED OF THE WIRETAPS FROM REVELL, ARMSTRONG STATED THAT IT WAS SOMETIME "DURING THE WEEK THE STORY BROKE," IN REFERENCE TO THE NEWS ACCOUNTS OF THE WHITE HOUSE ORDERED WIRETAPS. **REVELL GAVE ARMSTRONG NO DETAILS CONCERNING THE WIRETAPS.**

END.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-735

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-30-2021 BY: [redacted]

b6
b7C

Assistant Attorney General
Criminal Division

April 27, 1973

REC-76

Acting Director, FBI

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

DANIEL ELLSBERG, et al. v.
JOHN N. MITCHELL, et al.
(D.D.C.) CIVIL ACTION NO. 1879-72 EX-105

JUNE

Enclosed are copies of 149 items furnished in response to the request contained in your letter of April 13, 1973, captioned as above.

The material requested concerning Leonard B. Boudin for the year 1970 was furnished to Assistant Attorney General A. William Olson, Internal Security Division, on July 17, 1972. On August 15, 1972, the requested information concerning Boudin for the year 1971 was made available to Deputy Assistant Attorney General Daniel J. McAuliffe, Internal Security Division. These materials were delivered in connection with United States v. Anthony Joseph Russo, Jr., and Daniel Ellsberg.

Enclosures (149)

MAILED 5
APR 27 1973
FBI

TOP SECRET MATERIAL ATTACHED

NOTE: Based on incoming letter from the Department, same caption, dated April 13, 1973. Bureau letters dated 7/20 and 8/17/72, to the Assistant Attorney General, Internal Security Divison captioned "Joseph Russo, Jr., and Daniel Ellsberg - ELSUR" confirmed delivery of ELSUR material on Boudin as set forth above. The enclosures with this letter are the logs and authorizations for the overhears which are set forth in our LHM dated 10/18/72, forwarded to the Internal Security Division by our letter dated 10/26/72, captioned as above.

JLW:deh
(7)

3 Xerox Made
1-WFO
1-T-RM 5015
1-74-2474

XEROX
MAY 1 1973

72-2202-7

ENCLOSURE

WILLIAMSON

MAY 15 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

r. Felt
r. Baker
r. Callahan
r. Cleveland
r. Conrad
r. Gebhardt
r. Jenkins
r. Marshall
r. Miller, E.S.
r. Soyars
r. Thompson
r. Walters
le. Room
r. Kinley
r. Armstrong
r. Bowers
r. Herington
r. Herwig
Mintz
Neenan

UNRECORDED COPY FILED IN

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Acting Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: APR 13 1973

FROM : Henry E. Petersen
Assistant Attorney General
Criminal Division

SUBJECT: Daniel Ellsberg, et al. v. John N. Mitchell, et al.
(D.D.C.) Civil Action No. 1879-72

We enclose herewith for your files in the referenced civil action a copy of plaintiffs' MOTION FOR ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES, which was served on April 5, 1973. By a STIPULATION filed April 13, 1973, a copy of which is also enclosed, the time for defendants to respond to that Motion has been extended to May 3, 1973.

APR 16 1973

3 xerox & enclosure
1 - WFO
1 - T. Room 3015
1 - 74-2474

EX-109

REC-40

4239

30

MAY 15 1973

~~7 9 MAY 3 1973~~

72-2202-7

ENCLOSURE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL ELLSBERG, et al.,

Plaintiffs,

v. : No. 1879-72

JOHN N. MITCHELL, et al.,

Defendants.

ORDER COMPELLING ANSWERS TO INTERROGATORIES

The plaintiffs having moved this Court for an order requiring the defendants to answer plaintiffs' first interrogatories which plaintiffs served on the defendants, and the Court having heard the argument of counsel and having duly considered the matter,

IT IS ORDERED that the defendants shall, on or before , serve their answers to plaintiffs' first interrogatories on file in this Court.

Dated: _____

UNITED STATES DISTRICT JUDGE.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APR 13 1973

JAMES F. DAVEY
CLERK

DANIEL ELLSBERG, et al.,

Plaintiffs,

v.

JOHN N. MITCHELL, et al.,

Defendants.

Civil Action No. 1879-72

STIPULATION

It is hereby stipulated and agreed by and between counsel for the respective parties that the time for the defendants to respond to plaintiffs' Motion for Order Compelling Defendants to Answer Interrogatories be, and the same hereby is, enlarged to and including May 3, 1973.

David Rein by BCF

DAVID REIN
430 National Press Building
Washington, D.C. 20004
202-628-4047

Attorney for Plaintiffs

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3032

Attorney for Defendants

RECEIVED
DEPT. OF JUSTICE
MAIL ROOM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL ELLSBERG, et al., :

Plaintiffs, :

v. : No. 1879-72

JOHN N. MITCHELL, et al., :

Defendants. :

MOTION FOR ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES

Plaintiffs move the Court for an order compelling the defendants to answer plaintiffs' first interrogatories which defendants have objected to.

David Rein
430 National Press Building
Washington, D. C. 20004
628-4047
Attorney for Plaintiffs

Certificate of Service

I certify that a copy of the foregoing Motion for Order Compelling Defendants to Answer Interrogatories together with the Memorandum in support thereof and proposed Order was served on the defendants by mailing copies thereof to their attorney, Benjamin C. Flannagan, Department of Justice, Washington, D. C. 20530, this 5th day of April, 1973.

David Rein

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL ELLSBERG, et al., :

Plaintiffs, :

v. : No. 1879-72

JOHN N. MITCHELL, et al., :

Defendants. :

MEMORANDUM IN SUPPORT OF MOTION FOR ORDER
COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES

The defendants' objections to the interrogatories served upon them by the plaintiffs fall into two separate categories. Neither has any merit. We will treat these objections in the order set forth by the defendants.

I. The objection on the grounds of "national security."

Defendants contend that insofar as these interrogatories relate to the acknowledged surveillance referred to in paragraphs 4 and 5 of the complaint,[1/] the defendants need not answer interrogatories because the particular surveillances involved were lawful and not in violation of ch. 119 of Title 18. But the legality or illegality of the surveillance is an issue to be determined by the Court on the merits after trial. The defendants' contention that their actions were lawful is not an adequate ground for a refusal to respond to interrogatories.

In United States v. United States District Court, 407 U.S. 297 (1972) the Supreme Court held that the wiretapping statute granted no authority to either the President or the Attorney General to engage in any surveillance without

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1/ It should be noted, that subsequent to the filing of the complaint in this action, the government, on December 14, 1972, made an additional in camera filing of the contents of the surveillance of one of the plaintiffs (Transcript in United States v. Russo, et al., at pp. 5803-5804).

following the prescribed procedure of the stacute, i.e., obtaining a judicial warrant authorizing surveillance. It held that the section of the Act referring to national security, 18 U.S. Code §2511(3), meant no more than that the President had retained whatever constitutional authority he might have had in the absence of the statute. The Court specifically rejected the government's claim that the President possessed independent constitutional authority to engage in unauthorized surveillance of domestic organizations on the grounds of national security. It expressly left open the issue as to whether or not the President possessed such authority in the area of foreign affairs. That issue has not been resolved by any court and is one of the principal issues to be resolved in this case. We will be prepared to argue on the merits that, although the Supreme Court left the question open in its opinion in United States v. United States District Court, the logic of its reasoning in that case should bar unauthorized wiretapping under all circumstances. But that issue remains to be resolved by this Court after all the evidence is in. And as we show below the purpose of the federal discovery rules is to obtain full disclosure of all facts in the knowledge of the parties which are relevant to the law suit and which will enable the court to decide the issues in dispute. We submit that the defendants cannot foreclose the resolution of the merits of the litigation at the outset by refusing to answer what are obviously relevant interrogatories.

Moreover, it should be noted that the United States was willing to disclose these surveillances to the court in camera in Los Angeles; at a minimum, there should be such a disclosure here of the surveillances so that this Court may make the determination as to whether or not further disclosure is required. United States v. Reynolds, 345 U.S. 1 (1953); Kahn v. Secretary of Health, Education and Welfare, 53 F.R.D. 241 (D. Mass. 1971).

2. Objections to disclosure of other electronic surveillance.

The second facet of the defendants' objections to the interrogatories

apparently rests upon the premise that since the government has not previously disclosed the existence of an overhearing in some other proceeding, the plaintiffs cannot obtain this information in this proceeding through interrogatories. Defendants, however, set forth no basis for this contention and it is under the authorities that the contention has no merit.

Congress in 18 U.S. Code §2520 expressly granted a right of action for any unlawful surveillance. By the very nature of things, if the surveillance is unlawful the details of the surveillance will not be disclosed to the injured parties.[2/] Accordingly, the plaintiffs are entitled under the discovery rules to obtain from the defendants all information in the possession of the defendants which is necessary to prove the plaintiffs' case. The contention of the defendants amounts to nothing more than the argument that plaintiffs cannot sue the defendants unless they can first prove their case against the defendants without resort to discovery proceedings. But this argument flies in the face of the whole purpose of the discovery rules. The purpose of these rules is to enable the parties "to obtain the fullest possible knowledge of the issues and of facts before trial." Hickman v. Taylor, 329 U.S. 495, 501 (1947). As the Court of Appeals stated in Freeman v. Seligson, 405 F. 2d 1326 (1968) at 1348:

> "The principle favoring full access by the courts and litigants to relevant information, in the absence of strong competing considerations, is an important foundation for the achievement of justice by the courts in individual lawsuits. This principle is national policy of high rank, wholeheartedly endorsed and furthered by Congress. In the absence of a specific prohibition against disclosure in judicial proceedings, such as Congress set forth in some statutes, clear and strong indication is required before it may be implied that the policy of prohibition is of such force as to dominate the broad objective of doing justice."

When Congress, as here, creates a right of action, it follows as a necessary corollary that it intended to vest the courts with the necessary

---

2/ The statute provides, in the case of lawful surveillance, i.e. pursuant to a judicial warrant, that the contents of such surveillance be disclosed, 18 U.S.C. §2518.

powers of discovery to make that right effective. Halpern v. United States, 258 F. 2d 36 (2d Cir. 1958). Accordingly, requiring full discovery is especially necessary in cases such as the present where the claim itself rests upon an allegation of wrongdoing by a government official and the allegations of the complaint can only be proven by requiring disclosure by the wrongdoer. Wood v. Breier, 54 F.R.D. 7 (E.D. Wis. 1972).

The burden is on those objecting to interrogatories to show why their objections should be sustained. Pressley v. Boehlke, 33 F.R.D. 316 (W.D. N.C. 1963); Barron & Holtzoff, Federal Practice and Procedures, §775. That burden can be met only by showing (1) that the information sought has no bearing on the case, or (2) that the information can be obtained in some other way Black v. Sheraton Corporation of America, 50 F.R.D. 130 (D.C.D.C. 1970); or (3) that there is some specific statute authorizing the withholding of the information sought. Kahn v. Secretary of Health, Education and Welfare, 53 F.R.D. 241 (D. Mass. 1971).

Here defendants have presented nothing to meet their burden to sustain their objections to the interrogatories. On the other hand, it is plain that the information sought by the plaintiffs is (1) necessary for the proof of plaintiffs' case, (2) is exclusively in the possession of the defendants, and (3) cannot be obtained in any other fashion except through discovery.

Accordingly, the defendants' objections should be overruled and the defendants should be ordered to answer the interrogatories.

David Rein
430 National Press Building
Washington, D. C. 20004
628-4047
Attorney for Plaintiffs

December 4, 1974

GENERAL INVESTIGATIVE DIVISION

Attached relates to the investigation we are conducting at the request of the Special Prosecution Force into alleged perjury by Mr. Gray at his confirmation hearings in March, 1973. This alleged perjury deals with the subject of the 17 national security wiretaps. The information furnished by Mac Armstrong, one of Mr. Gray's former administrative assistants, to the effect that the wiretaps were discussed during a luncheon attended by Mr. Gray, Armstrong, and Barbara Herwig indicates the necessity of interviewing Miss Herwig concerning this matter. WFO is handling this interview. The naming by Armstrong of SA Buck Revell, presently assigned to the Tampa Office, as Armstrong's source of information concerning the wiretaps makes necessary his interview. It is believed Revell should be instructed to report to Bureau Headquarters for interview by WFO Agents, and this will be done. Mr. Gray will not be interviewed by us since the Special Prosecutor's Office handles interviews of him about Watergate-related matters.

CAN:cjl

FD-36 (Rev. 5-22-64)

FBI

Date: 1/13/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293 (P)

LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND FRAUD
SECTION-WATERGATE UNIT)
(OO:WFO)

Re WFO report of SAs HARVEY, HOFFMAN and LANO, dated 1/3/75.

Enclosed for the Bureau is one Xerox copy of each of the following documents, all of which are captioned "Daniel Ellsberg, et al.v., John N. Mitchell, et al., (D.D.C.) Civil Action No. 1879-72;"

65-74060-4238

1) Department letter to Bureau, dated 4/13/73.

2) Department letter to Bureau, dated 4/13/73. 4239

3) Bureau letter to Department, dated 4/27/73. 4203

The enclosed documents were made available to WFO on 1/13/75, by Assistant Special Prosecutor FRANK MARTIN, Watergate Special Prosecution Force (WSPF) and Bureau file copies of same are deemed necessary for the upcoming interview of SA JAMES L. WILLIAMSON on 1/22/75.

72-2202-47

REC-106 7 JAN 16 1975

REQUEST OF THE BUREAU

The Watergate Unit, Accounting and Fraud Section, is requested to obtain one Xerox copy of each of the above documents from the appropriate Bureau file and furnish same to WFO.

airtel to SAC, WFO
encl. 4
AGB/pms 1/15/75

2-Bureau (Enc. 4) (Hand Carry)
1-WFO
CWH:lmc
(3)

ENCLOSURE

Approved: Dunham
Special Agent in Charge

Sent _____ M Per _____

GPO : 1970 O - 402-735

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-30-2021 BY: [redacted]

b6
b7C

Memorandum

TO: Assistant Attorney General
Criminal Division

DATE: April 27, 1973

FROM: Acting Director, FBI

SUBJECT: DANIEL ELLSBERG, et al. v.
JOHN N. MITCHELL, et al.
(D. D. C.) CIVIL ACTION NO. 1879-72

Enclosed are copies of 149 items furnished in response to the request contained in your letter of April 13, 1973, captioned as above.

The material requested concerning Leonard B. Boudin for the year 1970 was furnished to Assistant Attorney General A. William Olson, Internal Security Division, on July 17, 1972. On August 15, 1972, the requested information concerning Boudin for the year 1971 was made available to Deputy Assistant Attorney General Daniel J. McAuliffe, Internal Security Division. These materials were delivered in connection with United States v. Anthony Joseph Russo, Jr., and Daniel Ellsberg.

Enclosures (149)

~~TOP SECRET MATERIAL~~ ATTACHED

45-12-1219
DEPARTMENT OF JUSTICE
3 APR 30 1973
R.A.O.
INTERNAL SECURITY DIV.
Civil Section
RECORDED

TOP SECRET CONTROL OFFICE
INTERNAL SECURITY
CONTROL NO. 1-7636

72-2202-7

ENCLOSURE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Best available copy

[illegible]:EBC:ECF:pj
Typed: 4/13/73
145-12-1819

April 13, 1973

Acting Director
Federal Bureau of Investigation
[illegible]

Henry E. Petersen
Assistant Attorney General
Criminal Division

[illegible] Blackburn, et al. v. John N. Mitchell, et al.
(D.C.C.) Civil Action No. [illegible]-73

In preparation for the defense of the above subject civil action, please provide this Division with a copy of the authorizations for technical surveillance and the logs of the overhears enumerated in your letterhead memorandum of October 13, 1972, which was transmitted to the Department as an enclosure to your memorandum of October 26, 1972 concerning the subject civil action.

As our preparation time in this matter is limited, we would appreciate receipt of the requested material by April 27, 1973.

Records
[redacted]
Mr. Flannagan
CLU ✓

[redacted]
Corres. Control
Hold

b6
b7C

[redacted]

Best available copy

HEP:RTM:ESC:BCF:dkc
Typed: 4/13/73
145-12-1819

Acting Director,
Federal Bureau of Investigation
Attention: Office of Legal Counsel

APR 13 1973

Henry E. Petersen
Assistant Attorney General
Criminal Division

Daniel Ellsberg, et al, v. John N. Mitchell, et al.
(D.D.C.) Civil Action No. 1827-72

We enclose herewith for your files in the referenced civil action a copy of plaintiffs' MOTION FOR ORDER COMPELLING DEFENDANTS TO ANSWER INTERROGATORIES [illegible], which was served on April 5, 1973. By a STIPULATION filed April 13, 1973, a copy of which is also attached, the time for defendants to respond to that action has been extended to May 3, 1973.

cc: Records
FBI (2 white copies)
Mr. Petersen
[redacted]
Mr. Flannagan
CLU
Corres. Control
Hold

b6
b7C

72-2202-7

Enclosure

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: April 13, 1973

FROM : Henry E. Petersen
Assistant Attorney General
Criminal Division

HEP by ESC

SUBJECT: Daniel Ellsberg, et al. v. John N. Mitchell, et al.
(D.D.C.) Civil Action No. 1879-72

In preparation for the defense of the above subject civil action, please provide this Division with a copy of the authorizations for technical surveillance and the logs of the overhears enumerated in your letterhead memorandum of October 18, 1972, which was transmitted to the Department as an enclosure to your memorandum of October 26, 1972 concerning the subject civil action.

As our preparation time in this matter is limited, we would appreciate receipt of the requested material by April 27, 1973.

EXP-PROC
40
APR 16 1973

UNRECORDED COPY FILED IN

EX-105

cc 5642

REC-76

Ltr to AAG, Criminal Div dtd 4/27/73. flw: dch

65-74 4238

11 APR ~~16~~ 1973

3 xerox Made
1- T-Rm 5015
1- WFO
1- 74-2474

72-2202-7

LEGAL COUNSEL

ENCLOSURE

Airtel

1/15/75

To: SAC, WFO (74-293) REC- 106

From: Director, FBI (72-2202) — 1

1 - Mr. Barger

LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND FRAUD
SECTION-WATERGATE UNIT)
(OO: WFO)

Reurairtel 1/13/75.

Enclosed for WFO is one Xerox of each of the following documents, each bearing the title "Daniel Ellsberg, et al.v., John N. Mitchell, et al., (D.D.C.) Civil Action No. 1879-72:"

1. Memorandum dated April 13, 1973, from Henry E. Petersen Assistant Attorney General, Criminal Division to Acting Director, FBI with enclosure (seven pages of legal motions).

2. Memorandum dated April 13, 1973, from Henry E. Petersen Assistant Attorney General, Criminal Division to Acting Director, FBI requesting authorization for technical surveillance and logs of overhears.

3. Memorandum dated April 27, 1973, from Acting Director, FBI to Assistant Attorney General, Criminal Division which enclosed material requested in item No. 2 above. (copy of enclosures not in Bureau files).

The above copies were prepared from the originals maintained in Bufiles.

Encs. (4)

AGB/pms
(4) pms

SEE NOTE PAGE TWO

Hand Delivered To WFO
1/15/75

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

84 JAN 17 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO 955-546
5005

Airtel to SAC, WFO
Re: LOUIS PATRICK GRAY, III

NOTE: The original of the above-listed material contained in Bufile 65-74060 serial 439 and serial 438. Three Xerox copies were prepared from the original material. One is enclosed to WFO, one is attached to this yellow, and one is retained with the tickler in Room 5015, JEH.

Airtel

1/10/75

To: SAC, WFO (74-293)

REC-74

From: Director, FBI (72-2202)

1 - Mr. Barger

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING & FRAUD SECTION - WATERGATE UNIT)
OO: WFO

Reurairtel dated 1/6/75.

This will confirm that SAs Charles W. Harvey and Angelo J. Lano, WFO, appeared at FBIHQ on 1/9/75, at which time they reviewed the following documents for purposes stated in paragraph 4 of reairtel.

1) Memo from T. J. Smith to E. S. Miller dated 3/9/73, captioned "Contingency Plans for Handling Terrorist Attacks."

2) Memo from W. O. Cregar to E. S. Miller dated 3/12/73, captioned "Cabinet Committee to Combat Terrorism."

SAs Harvey and Lano concluded copies of these documents would not be needed for the Special Prosecution Force. For investigative assistance of WFO, one Xerox of each of the above memos was furnished to SAs Harvey and Lano.

NOTE: The originals of the above documents are maintained in Bureau files, 105-186336, Serial 2176X and 62-115360, Serial 25X, respectively. Four Xerox copies of each were prepared from these originals on 1/8/75; one each were given to WFO 1/9/75. One each is attached to this communication and one each is being maintained with tickler copy of this communication in Room 5005 JEH. The remaining Xerox copy was destroyed 1/10/75 by SA A. G. Barger.

2- ENCLOSURE

AGB:rcjl (4)

MAILED 21
JAN 13 1975
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

84 JAN 21 1975

MAIL ROOM ☒ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO Mr. E. S. Miller EM/TJS

DATE: 3/9/73

FROM T. J. Smith TJS

SUBJECT CONTINGENCY PLANS FOR HANDLING TERRORIST ATTACKS

My memorandum of 2/6/73 furnished a preliminary list of equipment which is needed to implement captioned contingency plans. The list was arrived at after a review of the WFO game plan and conferences between representatives of the Training Division and the Intelligence Division. The same memorandum requested authority for the Intelligence Division representatives to meet again with representatives of the Training Division as well as the FBI Laboratory and General Investigative Division to arrive at a standardized list of weaponry and equipment needed to implement the contingency plans. This meeting was held on 2/21/73 and was also attended by representatives of the Directorate of Military Support (DOMS) from the Pentagon.

The items listed below marked with an asterisk may be available from the military. The DOMS representatives are trying to determine if these items are available to the FBI through outright transfer or long term loan. They are not optimistic about the possibility of outright transfer.

The following quantities and costs are based on currently available information and are being submitted as a "ball-park" figure:

1 - Mr. N. P. Callahan
1 - Mr. I. W. Conrad [redacted]
1 - Mr. T. J. Jenkins
1 - Mr. R. E. Gebhardt [redacted]
1 - Mr. E. S. Miller
1 - Mr. F. S. Putman (Belanger)
1 - Mr. T. J. Smith
1 - Mr. [redacted]
1 - Mr.

b6
b7C

REC 107

18 JUL 3 1974

DNL:lkm (9)

CONTINUED ~~OVER~~

SEE ADDENDUM N. P. CALLAHAN, PAGE 9

67 JUL 1 1974

72-2202-8

ENCLOSURE

ITEM		UNIT COST	QUANTITY	TOTAL COST
1.	Sniper Rifles and Scopes, (cal .308)	$250	225	$56,250
2.	Shotguns, 12-gauge	$75	350	$26,250
3.	.38 Caliber Handgun, 2 1/2" Barrel and Special Holster	$110	1,200	$13,200
4.	Specialized Clothing - Team Members	$15	1,300	$19,500
5.	Specialized Clothing - Non-Team Members	$8	2,000	$16,000
*6.	Body Armor	$170	1,200	$204,000
*7.	M-60 Machine Guns	$1,160.16	6	$6,960.96
*8.	M-16, A1, 5.56 mm Automatic Rifles	$106	486	$51,516
*9.	M-79 Grenade Launchers	$222	350	$77,700
*10.	Starlight Night Viewing Devices, AN-PYS-2	$1,181	150	$177,150
*11.	M-49 Spotting Scopes	$157	225	$35,315
*12.	Binoculars	$206	250	$51,500
*13.	M-17A1 Gas Masks	$25	2,678	$66,950

ITEM		UNIT COST	QUANTITY	TOTAL COST
14.	Ammunition for M-60	$28 per box (200 rounds)	10,000	$1,400
15.	Ammunition for M-16	$100.80 case (1,680 rounds)	750,000 rounds approx.	$44,956.80
16.	Gas Grenades for M-79	$282.56 case (32 rounds)	10,000 rounds approx.	$88,441.28
17.	Practice Rounds for M-79	$207.36 case (72 rounds)	65,000 rounds approx.	$187,426.08
18.	Illuminating Flares for M-79	$171.60 case (44 rounds)	5,000 rounds approx.	$19,562.40
19.	Dual Purpose High Explosive and Armor Piercing Rounds for M-79	$522 case (72 rounds)	1,500 rounds approx.	$10,962
20.	High Explosive Rounds for M-79	$135.36 case (72 rounds)	1,500 rounds approx.	$2,707.20
21.	Ball Ammunition for Sniper Rifles	$.10 round	500,000 rounds approx.	$50,000
22.	Armor Piercing Ammunition for Sniper Rifles	$.10 round	50,000 rounds approx.	$5,000
23.	Rappelling Equipment	$50	250	$12,500
24.	Carrying Cases for Weaponry	$20	1,400	$28,000
25.	Headgear	$30	1,200	$36,000
26.	30 Round Banana Clips (M-16 A-1)	$8.50 (3 clips and pouch)	500	$4,250

ITEM		UNIT COST	QUANTITY	TOTAL COST
27.	Scooter Truck (for FBI Ranges Ammunition Carrier)	$3,500	3	$10,500
28.	Rump Packs, Web Belts, Carrying Suspenders	$14	1,200	$16,800
29.	Canteens	$2	2,400	$4,800
30.	Miscellaneous Items (Survival Knives, Lineman Kits, Lensatic Compasses, Pencil Lights, Flash Lights, Survival Mirrors)	$20	1,200	$24,000
31.	Portable Lights	$11	300	$3,300
32.	Transceivers	$1,000	100	$100,000
33.	Portamobile Radios	$1,000	30	$30,000
34.	Handy-talkies	$1,000	1,100	$1,100,000
35.	Bell and Howell Pagers	$500	150	$75,000
36.	Encoders for Pagers	$200	60	$12,000
37.	Bullhorns	$165	220	$36,300
38.	Automobile PA Systems	$230	120	$27,600
39.	Monitors for Police and FAA Frequencies	$200	120	$24,000
40.	Mobile Police Radios	$1,000	60	$60,000
41.	Mobile Repeater Radios	$1,400	60	$84,000

ITEM		UNIT COST	QUANTITY	TOTAL COST
42.	Bureau Sedans for Fire Teams	$3,000	220	$660,000
43.	S & W Chemical Co. Flares	$.90	5,000	$4,500
44.	Panel Trucks for Command Vehicles	$5,000	30	$150,000

In order to implement an extensive two-week training program for 1,100 men in anti-sniper and survival techniques, the Training Division will require the services of 6 additional Special Agent firearms instructors, average salary $20,000 a year for a total of in Agent salaries. $120,000

We will need 2 additional armorers with military weaponry experience if possible, average salary, $10,000 each. $20,000

We will need 1 additional clerical employee in the gun vault to assist our gunsmiths and armorers, average salary, $6,500. $6,500

To assist our range personnel we will need 5 firearms training assistants, GS-5, average salary, $7,500. $37,500

Estimated costs of crating and shipping weapons and equipment to all FBI field offices participating in this program. $40,000

Training and transportation costs for 220 teams (1,100 men) would approximate $240 per man for a total of $264,000

Training Division requests that an additional $1,100,000 be allocated for the construction of a mock city complex adjacent to the present FBI range facility. This urban combat area would be built primarily of cinder block construction, including regular doors and windows. Certain of the buildings would be completely finished, such as the courthouse, police station, office buildings (classroom) and embassy building.

The village would be used primarily for the instruction (both basic and advanced) of FBI Agents and local police officers in combatting the sniper and terrorist menaces. It would afford us realistic capabilities in training all classes in raid and arrest techniques, crime scene searches, stake-outs, answering silent alarms, bank robbery and burglary problems, booby traps and clandestine devices, sniper and ambush situations, riot and crowd control, assault postures, rappelling, house to house combat and small group tactics.

We envision the use of direct fire simulators wherein a laser beam is attached to blank firing weapons and sensors are employed to record hits of men and/or material. This will provide extremely realistic training in all simulated combat situations as live individuals take the part of actual subjects. The sensors would record laser beam hits without any danger to the participants.

It is our intention to have a TV capability wherein assaults against barricaded or bunkered positions and/or the embassy area could be videotaped for instant transmission to a command center or for future critique purposes.

The mock city complex, as we envision it, will contain a bank building, townhouse complex, gas station and garage, police station, pawn shop, courthouse, embassy building, motel, railroad flat, office building (classroom), bar-dance hall, restaurant with parking lot, cleaners, apartment building, center stairway building of three stories, private residences, at least one with detached garage, farm house with barn and outbuildings, a command post and staging areas.

This urban combat area will be complete with paved roads, some sidewalks, various types of fencing, hedges, alleys, street and business signs, street lights with rheostat control, closets with attic access, outside fire escapes, rappelling capabilities on most of the buildings, tunnels connecting residential buildings, and a number of intersections. Such a modern training complex will allow us to recreate those situations wherein officers have lost their lives in an attempt to find better methods of approaching and handling such law enforcement problems.

The total cost for all the above-tabulated items will be $5,304,297.72.

We realize that the immediate expenditure of over $5,000,000, which has not previously been budgeted, is an unusual, if not an extreme, measure. However, the President, in establishing the Cabinet Committee to Combat Terrorism on 9/25/72, took note of the fact that the Committee would have to consider the most effective means by which terrorism could be prevented and that it would take the lead in establishing procedures to insure that the U. S. Government can take appropriate action in response to acts of terrorism swiftly and effectively.

The President recognized, in his charge to the Cabinet Committee, that gearing up to combat terrorism would involve expenditures above and beyond those of normal activities. Therefore, he instructed that recommendations should be made to the Director of the Office of Management and Budget concerning proposed funding of necessary programs relating to swift and effective reaction to terrorism.

The items of equipment described herein are needed now. Much of the equipment, even if money were presently available, could not be delivered immediately since it isn't available. However, until it is ordered it can't even be made available.

Collaterally, much of the equipment described herein will result in need for additional training. Unless the field has personnel which have been adequately trained in the use of the equipment, we are little better off than before. The contingency plans depend on personnel, who are not only well armed and equipped, but are also well trained.

The Act for the Protection of Foreign Officials and Official Guests of the United States was enacted partially as a result of the tragedy at the XX Olympiad in Munich, Germany, in September, 1972. We have seen in more recent days, as evidenced by the killing of American diplomatic personnel in Khartoum, Sudan, that Americans are not exempt from international terrorism. In addition, the situation at Wounded Knee, South Dakota, involving militant members of the American Indian Movement required equipment and weaponry included in the attached list, which had to be borrowed from the military as the FBI arsenal was not sufficient to cope with the problem. Finally, we are continually receiving information indicating

that threats of bombings and assassinations to personnel falling within the purview of the Act for the Protection of Foreign Officials and Official Guests of the United States are a present reality. We need to prepare ourselves for these eventualities now, so that we are adequately and properly prepared to deal with any eventuality involving terrorists. As recently as 3/7/73 President Nixon reiterated his stand against terrorist blackmail and urged world action. As the leader of the U.S. law enforcement community, we need to take the necessary steps.

At the direction of the President the Cabinet Committee to Combat Terrorism has scheduled a meeting for 3/13/73 to discuss progress to date in the Committee's assigned mission to take steps to swiftly and decisively deal with acts of terrorism. This meeting will also prepare recommendations to update the nation's overall attack and defense against the terrorist attacks which have continued to take place throughout the world. In preparation for the 3/13/73, meeting, we have been attending meetings of the working group of the Cabinet Committee.

From discussions during the working committee meetings we have learned that other members are presenting budgetary needs in line with the President's 9/25/72 instructions to the Committee to present budget recommendations for proposed programs to meet the terrorist attack. We know that Treasury Department will request more personnel for Executive Protective Service. State Department is asking for additional personnel for overseas protection. We think that our gearing up to meet our own responsibilities in reacting to terrorism requires the substantial expenditure outlined above. We have therefore arranged for the Committee to include the proposed expenditure set forth herein as a recommendation for budget consideration. The material itemized herein is being included in an overall extensive budget request which the Acting Director has instructed be incorporated in a letter to the Attorney General.

ACTION:

The detailed listing of recommended equipment and training, together with a complete justification, has been set forth in order that the Acting Director is knowledgeable concerning our needs relating to contingency plans for terrorist attacks in the United States.

EM

OVER

ADDENDUM BY ASSISTANT DIRECTOR N. P. CALLAHAN; 3/12/73

Before Mr. Gray forwards all the items encompassed in this memorandum as a budget request to the Attorney General and eventually to the Office of Management and Budget, I strongly feel it should first be resolved whether the FBI is to remain primarily an investigative operation or whether, with Attorney General or other proper authority, it is to also expand into the paramilitary combat field of operation.

Our new facilities at Quantico already contain certain crime scene-type facilities, including a sniper tower installation. It may well be that some military installation may already have the type of mock city or something similar in existence that could be utilized for our needs and thus avoid an expenditure of $1,100,000. Likewise, if the military has available in depots, and could be made readily available, I do not feel we would be justified in requesting funds to duplicate the military-type combat equipment included above. However, justification does exist for requesting certain of the items, such as body armor, weapons common to our current use, and communications equipment.

RECOMMENDATION:

That a policy determination be made at this time as to whether or not the FBI is going to be required to perform combat-type functions in conjunction with its investigative responsibilities and that appropriate authority for such operations be resolved.

DECLASSIFICATION AUTHORITY DERIVED FROM: [redacted]
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-03-2021 BY: [redacted]

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b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. N. P. Callahan
1 - Mr. Conrad

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : Mr. E. S. Miller EM/TJS

DATE: 3/12/73

1 - Mr. Gebhardt
1 - Mr. Jenkins
1 - Mr. E. S. Miller
1 - Mr. F. S. Putman
1 - Mr. W. O. Cregar

FROM : W. O. Cregar

SUBJECT: CABINET COMMITTEE TO COMBAT TERRORISM

Memorandum F. S. Putman to Mr. E. S. Miller, 3/8/73, advised that a meeting of the Cabinet Committee to Combat Terrorism (CCCT) was scheduled for 3 p.m., Tuesday, 3/13/73. The tentative agenda to be distributed by State Department contains three items; 1. Political--Intelligence (Will involve an oral presentation by representatives of State Department [redacted] as to what steps can be taken to counter the Black September Organization (BSO)), 2. Improvement of Protection in the U. S. (See attached draft), 3. Improvement of Security for Americans Abroad.

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b7E

The attached draft entitled, "Improvement of Security in the U. S." was prepared by representatives of the Departments of State and Treasury, the Secret Service and FBI at the request of Ambassador Armin Meyer, Chairman, Working Group of the CCCT to be responsive to the President's question, "What actions are being taken to protect foreign officials in the U. S.?". The draft delineates problems and suggests certain solutions in two areas of protective responsibility assigned to either the Office of Security, U. S. Department of State, the Secret Service or the Executive Protection Service (EPS). Specifically the draft addresses: A. Protection of Foreigners and B. Protection of Foreign Property. The fundamental problems outlined in the attached draft are: 1. Lack of clarity as to what department or agency has specific protective jurisdiction and 2. Lack of adequate protection being afforded foreign visitors and diplomatic personnel in the U. S.

The solutions developed in the attached draft are: 1. Immediate legislation to clarify the protective responsibility of the Office of Security, U. S. Department of State, and Secret Service; 2. Request for immediate legislation to provide sufficient manpower and funds to provide the necessary protection; 3. The direct reimbursement to local police

ENCLOSURE

Enclosure

REC 107

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CONTINUED - ~~OVER~~

67 JUL 1974

72-2202-8

FINE

ENCLOSURE

departments for actual protection requested by the Department of State and 4. The expansion of the EPS to provide adquate protection for diplomatic establishments in Washington, D. C.

Consideration was given to expand EPS outside of Washington, D. C., as well as the use of military forces, private security guard services and grants through the Law Enforcement Assistance Administration. It was felt these alternatives offer little hope.

C. Implementation of Public Law 92-539. The attached draft points out that the "Act for the Protection of Foreign Officials and Official Guests in the U. S." does not provide for physical protection of diplomats or diplomatic establishments. This language was intentionally incorporated into the paper to clarify the erroneous belief that this Act for which the FBI has exclusive investigative jurisdiction provides for physical protection. The only protection the Act provides for is the protection of the law.

On page 7 the draft delineates the need of the FBI for additional funds ($5,304,297) for training and equipment.

These figures were developed as a result of a detailed and extensive study undertaken by representatives of the Intelligence, Training, General Investigative and Laboratory Divisions in 2/73. The results of that study have been incorporated into a memorandum from T. J. Smith to Mr. E. S. Miller, entitled "Contingency Plans for Handling Terrorist Attacks," dated 3/9/73. This memorandum delineates the Bureau's needs with complete justification and recommends that the Administrative Division incorporate a request for this amount of money in a memorandum to the Attorney General.

Paragraph D, page 8 of the attached draft entitled "Financial Implications in Maintaining Tightened Visa, Immigration and Custom Procedures," itemizes the costs incurred by State Department, Immigration and Naturalization Service and

the Bureau of Customs to implement procedures designed to prevent known terrorists illegally entering the U. S. Of particular note is thatreference to paragraph 4 entitled; "Customs Procedures (Special Activities)." Special activities refer to the technical screening of diplomatic pouches entering the U. S. in the New York and Washington-Baltimore areas. No effort was made in this paper to address the legality of such screening.

In preparing the attached draft for consideration by the CCCT drafters of the paper were unanimous in their opinion that 100 per cent protection of individuals and establishments could not be assured but that the degree of protection that could be provided is directly commensurate with the amount of men, money, training and equipment for this purpose.

RECOMMENDATION:

That Mr. Gray endorse the draft and concur in the suggested solutions at the time it is considered by the CCCT on Tuesday, 3/13/73.

EM

I HAVE NOT YET SEEN THE MEMO JUSTIFYING THE # 5,304,297

SAK

CCCT, March 13, 1973

II. Improvement of Security in the United States

A. Protection of Foreigners

1. Visiting Chiefs of State, Heads of Government, and Others Designated by the President

The personal protection afforded by the U. S. Secret Service to Chiefs of State, Heads of Government, and others designated by the President is authorized by proper legislation and is being implemented professionally.

2. Visiting Distinguished Foreign Visitors Other Than Those Listed in "A" Above

a. Problem:

At the present time there is confusion as to whether the U. S. Secret Service or the State Department Office of Security should provide this protection.

b. Solution:

It would be desirable to have legislation authorizing the manpower and funds necessary if this type of protection is to be provided. The legislation should also clarify agency responsibility.

3. Foreign Diplomatic Personnel Assigned in the United States

a. Problem:

Adequate protection is not now being provided. In the past even though the Department of State has received numerous requests to provide personal protection to foreign diplomatic personnel, in only two cases and for short durations, has State's Office of Security been able to provide personal protection to Ambassadors in Washington. In only

25X

ENCLOSURE

extreme cases have local police agencies provided personal protection in and out of Washington. In the event the CCCT desires that protection of this nature be provided, neither the Department of State Office of Security nor the U. S. Secret Service is funded or staffed to provide such protection.

b. Solution:

Option (1) Direct reimbursement to local police for the actual protection requested by the Department of State. This would require appropriation from Congress, definitive criteria for reimbursement and appropriate disbursing and audit procedures.

Option (2) Assignment of either U. S. Secret Service or State Department Office of Security personnel. This would require legislative clarification and adequate funds, manpower, training, and equipment to whichever agency this responsibility may be assigned.

4. Visiting Foreign Cultural Exchange Groups, Trade Missions, and International Conferees in the United States

a. Problem:

Adequate protection is not now being provided to these groups. Under a loose interpretation of the firearms legislation for the Department of State, certain groups have been afforded varying degrees of protection. In certain cases, the entire responsibility for the protection of such groups has fallen upon local law enforcement agencies. In cases where intelligence indicated the possibility of incidents, the Department of State assigned either observers or Liaison Officers with the visiting group. Full time Department of State Security Officers have been assigned to each visiting group from the People's Republic of China.

b. Solution:

Same solutions as proposed under 3 above.

B. Protection of Foreign Property

1. Protection of Foreign Diplomatic Establishments In Washington, D. C.

a. Problem:

Foreign diplomatic establishments within Washington, D. C., are not being provided adequate physical protection. The Executive Protection Service (EPS) was established to handle only foreign diplomatic establishments in the Washington, D. C. area. EPS' manpower is limited to 350 positions for foreign missions; however, 48 of these positions have not been funded by Congress.

b. Solution:

A preliminary estimate indicates that the EPS capability to provide protection for foreign diplomatic establishments in the Washington area should be increased by 250 funded positions, in addition to filling the existing 48 unfunded positions. (This would provide for an additional 25 fixed posts 24 hours a day, seven days a week, plus a small reserve to meet urgent State Department requests.) The estimated cost to provide an increase of 250 funded positions and to fill the existing 48 unfunded positions would be $7,101,000 for the first year and $5,400,000 for each following year on a recurring basis.

2. Protection of Foreign Missions to the United Nations in New York City

a. Problem:

Foreign missions to the United Nations in New York City are not being provided adequate physical protection. The New York City Police Department responds to requests for physical protection only in the case of hard threats or violent acts. Fixed posts, which are kept to a minimum, have only been authorized with reluctance. When foreign missions are located on an upper floor, fixed posts are normally never authorized.

To provide full physical security protection, 158 fixed posts on a 24 hour basis plus 136 posts on a 12 hour basis would be required. This would require 1,723 EPS Officers. For partial coverage, a minimum of 214 EPS Officers would be required.

b. Solution:

Option (1) Reimburse the New York City Police Department for the actual cost of services requested. Based on past experience, the cost is estimated at $2,000,000 plus for limited fixed post coverage, not including costs for special attention coverage.

Option (2) Expand the EPS to provide federal protection at an estimated cost of $34,400,000 the first year and recurring annual costs of $32,000,000 plus for full coverage requiring 1,723 EPS Officers or at an estimated cost of $4,800,000 the first year and recurring annual costs of $4,500,000 for partial coverage requiring 214 EPS Officers.

3. Protection of Consular Establishments

Outside of Washington, D. C.

a. Problem:

Consular establishments outside of Washington are not being protected by federal authority. Reasonably, consideration should be given to cities where there are three or more Consulates and assuming one fixed post per Consulate.

Eighteen cities in the United States have three or more consular establishments. In these eighteen cities, the consular establishments total 334. It is estimated that 2,700 EPS Officers plus 270 supporting U. S. Secret Service personnel would be required to furnish fixed post protection to these 334 consular establishments in eighteen cities.

b. Solution:

Option (1) Reimburse local law enforcement agencies for the actual costs of services requested. Based on New York City Police Department pay scales, the cost for fixed post protection at 334 Consular establishments in eighteen cities is estimated to be $26,000,000 plus.

Option (2) Expand the EPS so as to provide federal protection. The cost for 2,700 EPS Officers plus 270 supporting U. S. Secret Service personnel in eighteen cities for 334 Consular establishments is estimated to be $68,500,000 the first year with recurring annual costs of $52,800,000 after the first year.

Option (3) Use of military forces, private security guard services, and grants through the Law Enforcement Assistance Administration (LEAA). These alternatives offer little hope.

4. Protection of Foreign Quasi-Official Establishments

a. Problem:

There is no provision in law to provide this type of protection other than by local police. There has been great reluctance on the part of local police to provide protection to the Quasi-official establishments, e.g. Israeli Trade Mission in New York, Aeroflot, Amtorg, etc. Unless there is a definite hard threat, local police departments have refused to provide fixed post protection.

b. Solution:

Option (1) Reimburse local law enforcement agencies for the actual costs of services rendered when requested by the Department of State. This would require appropriation from Congress, definitive criteria for reimbursement, and appropriate disbursing and audit procedures.

Option (2) Expansion of EPS to provide protection to all foreign quasi-official establishments.

5. Protection of Foreign Commercial Establishments

a. Problem:

In the past when the Department has requested local police authority to provide protection for foreign commercial establishments, e. g. banks, the police have been extremely reluctant to do so except in cases where there are hard threats.

b. Solution:

These establishments are too numerous to be provided with federal protection. In those cases where the Department of State determines police protection should be provided, reimbursement for actual costs might be authorized from federal funds or appeals should be made to local police.

C. Implementation of PL 92-539

The "Act for the Protection of Foreign Officials and Official Guests in the United States:" defines certain investigative and prosecutive responsibilities for acts committed against foreign officials or their family members in the United States or against official guests of the United States. This act does not provide for physical protection of diplomats or diplomatic establishments.

The FBI has exclusive investigative responsibility under this legislation. As a result of the increase in terrorist activities, it has been determined from careful and detailed surveys that an amount of $5,304,298 is needed for additional training and the purchase of equipment to meet any contingency resulting from an act of terrorism perpetrated against a foreign official or foreign establishment in the United States.

Components of the $5,304,298 are:

Training for 6 Firearms Instructors		$120,000
Salaries for 2 Armorers, 1 Clerk, 5 Firearms Training Assistants		64,000
Cost of Crating and Shipping Equipment to Field Offices		40,000
Training and Transportation Costs for 220 Teams of 5 Agents at a Cost of $240 per Agent		264,000
Mock City Complex		1,100,000
Equipment:		
Communications	1,548,900	
Weapons	361,093	
Vehicles	810,000	
Body Armor	204,000	
Ammunition	410,456	
Gas Masks	66,950	
Specialized Clothing	88,300	
Miscellaneous	226,599	3,716,298
		5,304,298

D. Financial Implications in Maintaining Tightened Visa, Immigration and Customs Procedures

1. Visa Procedures - (Operation Boulder and suspension of TRWOV)

Additional Personnel Required:

6 American Officers Overseas
27 Locals Overseas
7 American Officers Domestically
3 American Clerical Domestically

Cost: - FY '73 $148,700
FY '74 $420,000

2. Immigration Procedures - (Operation Boulder, Investigations and Interview Program)

Additional Personnel Required:

75 Investigators
25 Clerk/Stenos
6 Communications Personnel
6 Records Clerks

Cost: $1,500,000 per fiscal year

3. Customs Procedures - (Operation Boulder and TRWOV)

Additional Personnel Required:

10 Inspectors
2 Administrative Support

Cost: $240,000

4. Customs Procedures - (Special Activities)

Additional Personnel Required:

12 Inspectors to cover New York and Washington/Baltimore Areas (99% coverage)
4 Administrative Support

Cost: (Personnel) $320,000
(Equipment) $750,000

5. Customs Mail and Cargo Procedures -

(Intensive Examination)

Additional Personnel Required:

100 Inspectors, Patrol Officers and Administrative Support

Cost: $1,500,000 per fiscal year

FD-36 (Rev. 5-22-64)

FBI

Date: 1/6/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293) (P)

LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND FRAUD
SECTION-WATERGATE UNIT)
(OO:WFO)

On 1/6/75, Assistant Special Prosecutor FRANK MARTIN, Watergate Special Prosecution Force (WSPF), requested to be furnished Xerox copies of the originals of the following two memoranda which were among the documents located in GRAY's office when he resigned from the Bureau:

1) Memo from T. J. SMITH to E. S. MILLER dated 3/9/73, captioned "Contingency Plans for Handling Terrorist Attacks."

2) Memo from W. O. CREGAR to E. S. MILLER dated 3/12/73, captioned "Cabinet Committee to Combat Terrorism."

If for security reasons, Division 5 is reluctant to make copies of these memoranda available for transmittal to the WSPF, Mr. MARTIN is agreeable to having Agents familiar with captioned matter review the memoranda in question for the purpose of noting whether any notations appear thereon which would indicate when and where Mr. GRAY first read these memoranda.

REQUEST OF THE BUREAU

The Watergate Unit is requested to locate the above memoranda and, if feasible, furnish Xerox copies of the originals of same to WFO.

REC-74

Airtel to WFO, AGB: cjl 1/10/75 72-2202

EX-[illegible]

2-Bureau (Hand Carry)
1-WFO
CWH:lmc
(3)

Approved: _____ Sent _____ M Per 15 JAN 14 1975
Special Agent in Charge

GPO : 1970 O - 402-735

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 05-03-2021 BY: [redacted]

b6
b7C

FD-263 (Rev. 1-7-72)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
WASHINGTON FIELD	WASHINGTON FIELD	1/3/75	10/3/74 - 12/31/74

TITLE OF CASE

LOUIS PATRICK GRAY, III

REPORT MADE BY CHARLES W. HARVEY, DENNIS F. HOFFMAN, ANGELO J. LANO — TYPED BY lr

CHARACTER OF CASE

PERJURY (ACCOUNTING AND FRAUD SECTION - WATERGATE UNIT)

REFERENCES: Bureau airtels to WFO, dated 9/30/74, 11/5/74.

- P -

ENCLOSURES

TO THE BUREAU (For Transmittal to the Watergate Special Prosecution Force)

One folder containing the documents furnished by SA RICHARD D. COTTER (see pages 31 and 32 in the details of this report and the documents furnished by SA JOHN J. CLYNICK (see pages 56 through 58 in the details of this report).

ACCOMPLISHMENTS CLAIMED ☒ NONE					ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED [signature] SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:
4 Bureau (72-2202) (Enc. 1)
2-WFO (74-293)

1 ENCLOSURE attached

72-2202-9

REC-106

7 JAN 20 1975

Dissemination Record of Attached Report				
Agency	FBHQ DE-JERED	W/ENCLOSURES		
Request Recd.	OFFICE OF FRANK MARTIN			
Date Fwd.	WSPF	1/10/75 WLD/HL		
How Fwd.				
By				

Notations

6 JAN

84 JAN 27 1975

DATA PROCESSING

COVER PAGE

WFO 74-293

ADMINISTRATIVE:

In addition to the investigative requests enumerated in the Watergate Special Prosecution Force's (WSPF) memoranda dated 9/7/74, and 10/29/74, Assistant Special Prosecutor FRANK MARTIN made the following additional requests on 11/11/74:

1) That we determine the identity of the Bureau secretary who typed BERNARD A. WELLS' letter of retirement and, thereafter, interview that secretary.

2) That we personally observe a copy of a memorandum dated 2/27/73, to E. S. MILLER from THOMAS J. SMITH, captioned "National Security Electronic Surveillance," to verify that it deals with foreign intelligence matters.

Also, on 12/20/74, Mr. MARTIN furnished a Xerox copy of a letter dated 10/26/72, from the Acting Director, FBI, to the Assistant Attorney General, Internal Security Division, captioned "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al., (D.D.C.) Civil Action No. 1879-72," along with accompanying documents. Mr. MARTIN requested that we interview SA JAMES L. WILLIAMSON (currently assigned to the Inspection Staff), who prepared this letter, concerning the circumstances surrounding the preparation of same as well as a meeting between SA WILLIAMSON and GRAY which, according to GRAY's logs, occurred on 4/13/73.

On 12/30/74, it was determined that SA WILLIAMSON will be on annual leave until 1/10/75, and, thereafter, is under transfer orders to the Omaha Division.

It is noted that the details of this report contain an interview of former Assistant Director LEONARD M. WALTERS and, as reflected on page 62, WALTERS advised that during one of former Acting Director GRAY's executive conferences GRAY mentioned that he had lied at a Congressional hearing "to protect the integrity and honor of the FBI." This development was discussed with Assistant Special Prosecutor FRANK MARTIN, Watergate Special Prosecutor's Office (WSPO), who recommended that WFO Agents forego interviewing all present and former Assistant Directors who may have attended the executive conference in question. Mr. MARTIN suggested that only WASON G. CAMPBELL be interviewed by

WFO and stated that sometime in the near future he and Assistant Special Prosecutor JAY HOROWITZ will interview Associate Director NICHOLAS P. CALLAHAN.

This case continues to receive top priority investigative attention, and investigation of this case and the companion case entitled "REMOVAL OF NATIONAL SECURITY WIRETAP RECORDS, OOJ" (Bufile 72-2190; WFO file 72-194) continues to be closely coordinated with the Accounting and Fraud Section - Watergate Unit.

Although there is no specific reference to any particular national security electronic surveillance in the details of this report, the enclosures do contain copies of documents furnished by [redacted] Therefore, the Bureau may desire to appropriately classify this report and/or its enclosures. b3 b7E

Coverage of the following leads should consumate investigation of captioned matter:

LEADS

WASHINGTON FIELD

AT WASHINGTON, D. C. 1) Will interview SA JAMES L. WILLIAMSON in conformance with above request.

2) Will interview Bureau secretary [redacted] concerning captioned matter and the companion case. b6 b7C

3) Will interview Bureau secretary [redacted] concerning captioned matter and companion case.

4) Will interview Departmental Attorney JACK DAVITT in conformance with item number six of the WSPF memorandum dated 10/29/74.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~

Copy to:

Report of:	CHARLES W. HARVEY, DENNIS F. HOFFMAN AND ANGELO J. LANO	Office:	Washington, D. C.
Date:	1/3/75		
Field Office File #:	74-293	Bureau File #:	72-2202
Title:	LOUIS PATRICK GRAY, III		
Character:	PERJURY		

Synopsis: LIONEL E. BELANGER, Special Agent (SA) Supervisor, Division 5, FBI Headquarters (FBIHQ), first became aware of White House ordered 17 wiretaps in approximately May, 1973, from FBIHQ Supervisor SA JAMES R. WAGONER. WAGONER advised BELANGER that he (WAGONER) had been confidentially informed by a government attorney that there had been "overhears" of DANIEL ELLSBERG and that the Bureau had previously informed the Department that there had been no such overhears. According to BELANGER, "rumor" within Division 5 was that FBIHQ Supervisor SA THOMAS J. SMITH and then Assistant Director (AD) E. S. MILLER were, on an unrecalled date in 1973, instructed to transport some "special indices" from Division 5 to the office of Acting Director L. PATRICK GRAY, III. "Rumor" was that these indices had been maintained by former FBIHQ Supervisor SA BERNARD A. WELLS and that SMITH, upon WELLS' retirement, had assumed responsibility for the material in question. Inspector GEORGE T. QUINN, External Affairs Division, FBIHQ, made available a copy of the 3/5/73, issue of Time magazine with an attached routing slip, which routing slip reflects that the magazine was seen by former Associate Director W. MARK FELT, Assistant Director JOHN A. MINTZ, and JACK HERRINGTON. A time stamp on the reverse side of this routing slip reflects that the magazine arrived in the Office of the Director at 4:44 p.m., 2/26/73, and another time stamp indicates that the magazine arrived at the Office of Legal Counsel at 12:47 p.m., 2/27/73. Major portions of an article in this magazine entitled "The Administration, Questions About GRAY" are scored with a red marking pencil. AD JOHN A. MINTZ, Legal Counsel Division, FBIHQ, made available a folder containing all documents relating to the GRAY confirmation hearings. With respect to a 3/13/73, memorandum from Mr. RICHARD D. BAKER to Legal Counsel entitled "Confirmation, Authority of the President to Order Interception

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Classified by 4 SCW 2

Exempt from GDS, Category

Date of Declassification Indefinite

~~SECRET~~

U. S. GOVERNMENT PRINTING OFFICE : 1970 O - 406-840

of White House Communications" and an accompanying undated note prepared by Mr. GRAY, AD MINTZ displayed his tickler copy of this memorandum to which was attached a Xerox copy of the same undated note. AD MINTZ recalled scanning the aforementioned article in the 3/5/73, issue of Time magazine and stated he had no discussion concerning this article with any Bureau official. Also, AD MINTZ had no recollection that this article was ever discussed at a staff conference on 2/26/73. AD MINTZ stated he had no contact with Mr. GRAY on the weekend of 2/23-26/73, and that he never discussed the Time article in question with Mr. GRAY. AD MINTZ advised he first became aware that FBI documents had been removed from FBIHQ on a Sunday afternoon in 5/73, when he was summoned by then AD LEONARD "BUCKY" WALTERS to attend a meeting between WALTERS and representatives of the Inspection Division wherein WALTERS stated that Acting Director RUCKELSHAUS was initiating an investigation concerning the removal of FBI documents. [redacted] Secretary to AD MINTZ, whose initials indicate that she typed the previously described memorandum dated 3/13/73, had no recollection of having typed same nor of attaching the previously described GRAY note to same. She explained AD MINTZ' copy of the memorandum was a Xerox instead of a "white carbon" because, in view of the large number of copies, she typed only the original and thereafter Xeroxed the appropriate number of copies. A review of documents relating to GRAY confirmation hearings, which documents were formerly under the control of RICHARD D. BAKER, failed to yield the 3/13/73, memorandum or the undated GRAY note. These two documents were eventually located on 10/16/74, in the GRAY confirmation "tickler" file maintained by former Associate Director FELT. Identities of pertinent Division 5 personnel who reported for duty on 7/10 and 11/71, 2/24 and 25/73, 3/3 and 4/73, and 3/10 and 11/73, set forth. No records are available to indicate whether WILLIAM C. SULLIVAN reported for duty on 7/10 or 11/71, and the records do not indicate that C. D. BRENNAN or BERNARD WELLS worked on either of these days. AD ODD T. JACOBSON, Office of Planning and Evaluation, FBIHQ, who was Number Two Man in the Inspection Division in 2/73, did not attend any of former Associate Director FELT's conferences. AD JACOBSON did not participate in the disposition of any documents in GRAY's possession when GRAY resigned nor in the disposition of any documents in FELT's possession when FELT retired. AD JACOBSON did not participate in any briefings of RUCKELSHAUS when the latter became Acting Director. A memorandum dated 5/4/73, from RUCKELSHAUS to FELT served as the format for the Inspection Staff's line of questioning in their 5/73, investigation to locate the missing

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wiretap logs and records. AD JACOBSON was not a party to any RUCKELSHAUS/WALTERS conversations which transpired in connection with the noted investigation; however, he (JACOBSON) understood that WALTERS summoned E. S. MILLER and THOMAS J. SMITH to converse directly with RUCKELSHAUS concerning the wiretap matter. AD JACOBSON had no knowledge of any discussions among Bureau personnel during or immediately subsequent to GRAY's confirmation hearings which discussions dealt with the fact that GRAY may have committed perjury. AD JACOBSON was informed by THOMAS J. SMITH that GRAY had requested to review the Bureau's electronic surveillance (elsur) indices and that SMITH and E. S. MILLER had transported same from Division 5 for GRAY's personal inspection. AD JACOBSON explained that some elsur indices are maintained in duplicate, one set being located in Main Justice and another set, at that time, maintained by Division 5 in the Federal Triangle Building. SA Supervisor RICHARD D. COTTER, who from 6/72 until 9/72, was assigned to Division 5 as Bureau Classification Officer, advised that, during GRAY's confirmation hearings, he reviewed certain portions of GRAY's testimony but did not review any testimony relating to the White House ordered wiretaps. He stated he has no personal knowledge concerning the role THOMAS J. SMITH played in reviewing transcripts of GRAY's testimony but believes that Bureau clerk [redacted] assisted SMITH with the transcripts. SA COTTER furnished copies of documents prepared in 5 and 6/73, in response to a 2/14/73, The Washington Post article entitled "Data From Security Taps Given LIDDY, HUNT." In 1/70, SA COTTER was aware that BERNARD A. WELLS was working on a special project. SAC RICHARD D. BAKER, Philadelphia Division, former AD of Office of Planning and Evaluation (OPE), explained physical handling of transcripts during GRAY's confirmation hearings. SAC BAKER had no knowledge of the disposition of the transcript for the 3/1/73, morning session of GRAY's confirmation hearings. SAC BAKER advised that during initial stages of hearings, GRAY held "skull" sessions with his personal staff. These sessions were eventually expanded to include representatives of OPE. SAC BAKER believes that subject of wiretaps arose at these sessions prior to representatives of OPE being present. SAC BAKER observed copies of pertinent documents and furnished knowledge of same. SA Supervisor RUSSELL H. HORNER, Division 5, permitted a review of a 2/27/73, memorandum from THOMAS J. SMITH to E. S. MILLER captioned "National Security Electronic Surveillance." This document forwarded to GRAY a briefing book concerning elsur matters which had been

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prepared upon GRAY's instructions. STERLING B. DONAHOE, former Number One Man to W. C. SULLIVAN, was aware in 1970 that SULLIVAN and WELLS were involved in sensitive wiretap project, the details of which remained unknown to DONAHOE. Records relating to this special project were maintained by SULLIVAN and WELLS had access to same. DONAHOE furnished detailed account of circumstances surrounding SULLIVAN's departure from Bureau in 9/71. DONAHOE had no recollection that possible wiretapping by government was discussed among Bureau personnel in relation to ELLSBERG's 8/4/71, removal hearing at Boston. Concerning GRAY's confirmation hearings, DONAHOE advised that T. J. SMITH was designated as key man to handle transcripts of the hearings for Division 5. DONAHOE probably attended all "skull" sessions held in connection with the hearings and he has vague recollection that wiretaps were discussed. Pertinent documents were exhibited to DONAHOE with negative results. Upon GRAY's resignation, DONAHOE categorized various documents relative to confirmation hearings which documents had been maintained in GRAY's office. DONAHOE recalled no documents relating to White House ordered wiretap project among material in GRAY's office and was not aware of any discussions among any Bureau personnel that GRAY may have committed perjury during confirmation hearings. SA Supervisor JOHN J. CLYNICK, General Investigative Division, FBIHQ, advised that on 5/7 and/or 8/73, he inventoried two or three cartons of material from GRAY's office. Present during inventory was T. J. SMITH who, presumably, was concerned with inventorying security related material. SA CLYNICK subsequently furnished Xerox copies of documents relating to inventory and disposition of material in GRAY's office. LEONARD M. WALTERS, former AD of Inspection Division, advised that he, E. S. MILLER and T. J. SMITH briefed RUCKELSHAUS on the White House ordered wiretap project shortly after RUCKELSHAUS was named Acting Director. WALTERS appointed AD JACOBSON to "ramrod" investigation to locate the wiretap records. It was through this investigation that a WFO clerk recalled overhearing DANIEL ELLSBERG on a wiretap. WALTERS advised that WELLS, when interviewed in the same investigation, stated that ELLSBERG had not been overheard in connection with the special wiretap project. Concerning whether GRAY committed perjury during his confirmation hearings, WALTERS stated that while the hearings were still in session, GRAY, at a Bureau executive conference, made the statement that he had lied at a Congressional hearing "to protect the integrity and honor of the FBI." GRAY did not elaborate concerning exactly what he had lied about. Present at this conference were the

Associate Director, all Assistant Directors (or their number one men) and GRAY's staff. WALTERS did not know until 5/4/73, that the special wiretaps had in fact existed. WALTERS believed that, perhaps in 1971, a document from the Department informed J. EDGAR HOOVER that the wiretap records in question had been destroyed. [redacted], Clerk, Director's Office, advised two committment books were maintained for Mr. GRAY during his tenure as Acting Director and that both were turned over to GRAY when he resigned. [redacted] confirmed that GRAY's logs for 3/73, do not reflect that an executive conference was held that month. [redacted] noted that GRAY often lunched with Assistant Directors and such a lunch could be considered a conference of sorts. Mr. WASON G. CAMPBELL, former Number One Man to the Associate Director, advised he attended all of GRAY's executive conferences and has no recollection of GRAY making the previously mentioned statement about having lied before a Congressional committee. [redacted] former Secretary to BERNARD A. WELLS, advised WELLS' primary reason for retiring from Bureau was to accept better paying position with the Department. [redacted] Clerk, Division 5, FBIHQ, advised that she never assisted THOMAS J. SMITH with any transcripts involving the GRAY confirmation hearings. GARY BAISE, former Executive Assistant to former Acting Director WILLIAM D. RUCKELSHAUS advised RUCKELSHAUS' attention was drawn to the white House ordered wiretap matter by an article appearing in Time magazine around the first week of May, 1973. BAISE stated that, with regard to the recovery of wiretap records in the White House, RUCKELSHAUS received a telephone call from W. C. SULLIVAN on 5/10/73, wherein SULLIVAN "tipped off" RUCKELSHAUS that former Assistant Attorney General ROBERT MARDIAN should be interviewed concerning the matter. BAISE recalled discussions between himself, RUCKELSHAUS and CARL EARDLEY wherein the fact that GRAY may have committed perjury was "kicked around." No Bureau officials were present at these informal discussions. According to BAISE, RUCKELSHAUS does not believe the article appearing in the 5/14/73, issue of Time magazine was the article which formed the basis for his ordering of the investigation to locate the wiretap records. CARL EARDLEY, former Administrative Assistant to RUCKELSHAUS, advised that the article appearing in the 3/5/73, issue of Time was the basis for RUCKELSHAUS' ordering the investigation. EARDLEY has no knowledge concerning the location of the transcript for the morning session of the confirmation hearings held on 3/1/73. DAVID D. KINLEY, former Administrative Assistant to L. PATRICK

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GRAY, III, does not recall discussing the 3/5/73, Time article with GRAY but did discuss same with W. MARK FELT. KINLEY furnished an account of his activities for weekend of 2/23-26/73. According to KINLEY, GRAY became aware of article on 2/26/73, through Department Information Officer JACK HUSHEN. Results of KINLEY's observation of pertinent documents set forth. KINLEY stated he did not learn of ELLSBERG overhears until after GRAY resigned from the Bureau. KINLEY was, at the time, unaware that GRAY had checked the Bureau's elsur records. DANIEL M. ARMSTRONG, another former Administrative Assistant to GRAY, advised he did not discuss wiretap matter mentioned in the 3/5/73, issue of Time with GRAY. ARMSTRONG was exhibited copies of pertinent documents, results set forth. ARMSTRONG recalled the first time he discussed White House ordered wiretaps with GRAY was at noon on 3/1/73. At that time, GRAY may have said he was going to "check the records" to determine if the Bureau had wiretapped any newsmen at the request of the White House. At lunch on another unrecalled day during the confirmation hearings, GRAY reiterated that he knew nothing concerning such wiretaps whereupon ARMSTRONG and Ms. BARBARA HERWIG told him that their "grapevine sources" had confirmed the existence of the wiretaps in question. GRAY's response was to the effect, "Well, by God, I found no record of it." GRAY was not challenged on this assertion. ARMSTRONG subsequently identified his "grapevine source" as Bureau Supervisor OLIVER B. REVELL, III. ARMSTRONG was unable to offer any pertinent information concerning the disposition of documents in GRAY's possession when GRAY resigned. ARMSTRONG became aware of ELLSBERG overhears subsequent to leaving the Bureau. SA Supervisor OLIVER B. REVELL, III, currently assigned to the Tampa Division, advised that in 2/73, he told ARMSTRONG that, according to the Bureau grapevine, the FBI had probably been involved in wiretaps as alleged in a Time magazine article. SA REVELL stated he had no specific basis for his comment to ARMSTRONG and characterized his information as "non-specific hearsay." MARGE NEENAN, former Personal Secretary to GRAY, advised that upon GRAY's retirement, W. MARK FELT instructed that all documents in GRAY's office be removed to his (FELT's) office. GRAY took nothing from the Director's office on the day he resigned, but subsequent to his resignation, NEENAN sent GRAY, at his request, his desk calendar and logs. NEENAN furnished the details concerning the flow of mail in and out of the Director's office. NEENAN advised that the fact that the 3/5/73, issue of Time magazine was time stamped into the

Director's office at 4:44 p.m. on 2/26/73, does not necessarily mean that GRAY ever saw the magazine. In fact, since GRAY's initials appear no where on the magazine or accompanying routing slip, she does not believe that GRAY ever saw the magazine. Pertinent documents were displayed to NEENAN with negative results. NEENAN was unable to offer any information concerning a "mislaid envelope" GRAY discovered in his office sometime after 3/22/73. She noted FELT had free access to GRAY's office by either the front or back door. CHARLES M. LICHENSTEIN, who assisted GRAY in confirmation hearings, has no direct knowledge of what occurred at FBIHQ subsequent to 12:45 p.m., 4/27/73, and was not involved in the removal and/or disposition of any documents from GRAY's office. LICHENSTEIN stated he heard no discussions among any Bureau personnel regarding the fact that GRAY may have committed perjury during his confirmation hearings with respect to the White House ordered wiretap matter. LICHENSTEIN also stated that GRAY once indicated that JACK HUSHEN had checked Departmental records and that he (GRAY) had checked Bureau records for evidence of these taps with negative results. Concerning a statement reportedly made by GRAY to the effect, "I lied before a Congressional Committee to protect the FBI," LICHENSTEIN stated that at a lunch, date not recalled, someone, not necessarily GRAY, may have said that, "It might be necessary to lie" if questioned about certain Bureau intelligence operations; however, this statement, if it was made, was not made in a literal sense and did not necessarily pertain to the then on-going confirmation hearings. SAC KENNETH W. WHITTAKER, Miami Division, advised that on 2/26/73, he accompanied Mr. and Mrs. GRAY from Marco Island, Florida, to Miami International Airport where the GRAYs boarded a return flight for WDC. SAC WHITTAKER was not knowledgeable concerning any telephone calls made or received by GRAY during the weekend of 2/23-26/73. Miami Division's telephone records are routinely destroyed after one year. FREDERICK C. FOX, ASAC, Miami Division, was unable to provide any information concerning GRAY's visit to Marco Island. SA LEO J. McCLAIREN, Miami Division, who drove the GRAYs to and from Marco Island, has no recollection of any telephone calls made or received by GRAY during the weekend in question. SA [redacted] Miami Division, recalled that while GRAY was present in National Airlines (NAL) VIP lounge at Miami International Airport on 2/26/73, [redacted] of NAL's Customer Service indicated that GRAY had a telephone call. GRAY took this telephone call in a private office and SA [redacted] has no idea who GRAY talked to or what the conversation concerned. WILLIAM L. EDDY,

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SA Supervisor, Miami Division, was unable to specifically recall if a telephone call was received for Mr. GRAY during the weekend of 2/23-26/73, from JACK HUSHEN, Department Information Officer. SA EDDY recalled receiving two telephone calls from WDC wherein the callers desired to speak to Mr. GRAY. One of the callers may have been a Mr. HERRINGTON of the Bureau's Crime Records Division. [redacted] Customer Service, NAL, Miami International Airport, was unable to recall whether GRAY made or received any telephone calls from NAL's VIP lounge on 2/26/73. [redacted] secretary, was unable to provide any information concerning the same matter. b6 b7C

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WFO 74-293

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WFO 74-293

DETAILS: AT WASHINGTON, D. C.

Predication:

This report is predicated upon receipt of a letter dated September 18, 1974, to the Director, FBI, from HENRY S. RUTH, JR., Special Prosecutor, Watergate Special Prosecution Force (WSPF), which requested that the Bureau investigate the allegation that former Acting Director LOUIS PATRICK GRAY, III, committed perjury before the Senate Judiciary Committee during his confirmation hearings with respect to his testimony concerning the so-called White House ordered wiretaps. Also, by letter dated October 29, 1974, the WSPF requested additional investigation concerning the same matter.

I. Interviews of FBI Headquarters Personnel and Related Investigation

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

10/8/74

Date of transcription

LIONEL E. (LEE) BELANGER, Special Agent (SA), FBI, was advised of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO). Thereafter, he furnished the following information:

He has been an FBI Agent since November 13, 1950; from August, 1955, until May 29, 1960, he was assigned to the Bureau's Washington Field Office (WFO) where his Supervisor was [redacted] (now retired); from May 30, 1960, until October 28, 1968, he was assigned to the Bureau's Tampa, Florida, Field Office; from October 28, 1968, until November 29, 1970, he was assigned to the Domestic Intelligence Division (Division Five) at FBI Headquarters (FBIHQ); from November 29, 1970, until June 1, 1971, he was assigned to the Bureau's Inspection Staff; and, since June 1, 1971, he was been assigned back to Division Five at FBIHQ. b6 b7C

Concerning the first time he became aware of what are now commonly referred to as the "White House ordered 17 wiretaps," sometime in approximately May, 1973, during the final phase of the trial of DANIEL ELLSBERG in the "Pentagon Papers" case, Bureau Supervisor JAMES R. WAGONER, to whom the Pentagon Papers case was assigned on the Headquarters level, told him in an "aside" that he (WAGONER) had been confidentially informed by a government attorney (name not recalled by BELANGER) that there had been "overhears" of ELLSBERG and that the Bureau had previously told the Department of Justice that there had been no such overhears. To the best of his (BELANGER's) recollection, at this same time, date not recalled, WAGONER prepared a memorandum from WILLIAM O. CREGAR to then Assistant Director E. S. MILLER for the purpose of "informing GRAY or whoever was Acting Director" of the ELLSBERG overhears. This memorandum was prepared coincidental with the final stages of ELLSBERG's trial in California.

Interviewed on 10/3/74 at Washington, D.C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:cmr Date dictated 10/4/74

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

In 1973, exact date not recalled, but sometime after the charges against ELLSBERG had been dismissed, "rumor" within Division Five was that Bureau Supervisor THOMAS J. SMITH and then Assistant Director E. S. MILLER were suddenly instructed to physically transport some "special indices" from Division Five (located in the Federal Triangle Building at 9th and D Street, N.W., Washington, D.C.) to the Main Justice Building. Presumably, these "special indices" were taken to then Acting Director GRAY's Office.

He (BELANGER) has no idea concerning the physical size of the material involved, and it was his impression that the material included a set of indices cards which dealt exclusively with the White House ordered wiretaps. In connection with this incident, "rumor" was that these indices had been maintained by former Special Agent BERNARD A. WELLS but that SMITH had assumed responsibility for the material upon WELLS' retirement. SA BELANGER noted that it was his impression that the indices allegedly transported by SMITH and MILLER were not part of the Bureau's special elsur indices which, as previously noted, were always maintained in the Main Justice Building.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

11/19/74

Date of transcription

Inspector GEORGE T. QUINN, External Affairs Division, Headquarters, Federal Bureau of Investigation, was contacted on November 12, 1974, to determine whether or not the FBI Library maintained a copy of Time magazine dated March 5, 1973. Mr. QUINN advised he would check and recontact SA LANO.

On November 13, 1974, Inspector QUINN turned over to SA LANO a copy of the requested article with the following explanation:

The FBI Headquarters usually purchases copies of all weekly or monthly magazines from the newsstands. These magazines are then scanned by the Research Section of the Division for items of interest to the FBI. Interest items are scored and marked. Then a routing slip is placed on the magazine and if it is felt that the Director should review it, the magazine is sent to that office and then on to whomever else is checked off on the routing slip.

On the inside cover of the magazine was located a routing slip bearing typed information and the date, "2/26/72". It was noted by Inspector QUINN that the routing slip was printed incorrectly because it clearly shows the form was revised on "2/21/73."

The routing slip bears a blue ink checkmark opposite the name "FELT." There also is an initial "F" in black felt tip which QUINN identified as being that of former Associate Director W. MARK FELT.

Further down the right column are penciled in the names "MINTZ" and "HERRINGTON". Both of these names have initials of those persons written through their names.

The additional information on the routing slip is typed on and clearly signifies what items are of interest

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Interviewed on 11/12/74 at Washington, D.C. File # WFO 74-293

by SA ANGELO J. LANO:cmr Date dictated 11/18/74

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On the reverse side of the routing slip are time stamps indicating the day and time that the magazine arrived at each designee's office.

The first time stamp indicated the magazine arrived at the Office of the Director at 4:44 p.m., February 26, 1973. The second time stamps indicated it arrived at the office of the Associate Director, at 8:29 a.m., February 27, 1973. The third time stamp indicated it arrived at the Office of the Legal Counsel at 12:47 p.m., February 27, 1973.

QUINN advised it was his belief that JOHN A. MINTZ, who is now an Assistant Director, was head of the Legal Department in February, 1973. HERRINGTON is JACK HERRINGTON of Mr. MINTZ' office, formerly assigned to Crime Records.

On pages fourteen and fifteen of the magazine is a story captioned "THE ADMINISTRATION: QUESTIONS ABOUT GRAY." Major portions of the article are scored with a red marking pencil.

In addition to this article, seven other articles are marked with same type of red pencil.

Inspector QUINN was given a receipt for the magazine and was further advised that it would be returned upon completion of the case.

In conclusion, QUINN advised that [redacted] and [redacted] both Secretaries in the Office of the Director, usually handled magazine articles marked for the Attention of the Director and it is possible that one of them wrote the names "MINTZ and HERRINGTON" on the routing slip. b6 b7C

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/20/74

JOHN A. MINTZ, Assistant Director, Legal Counsel Division (Division 11), Federal Bureau of Investigation (FBI), was interviewed in Room 5640 at FBI Headquarters (FBIHQ). It was explained to Assistant Director MINTZ that the Washington Field Office (WFO), FBI, is conducting an investigation at the specific request of the Watergate Special Prosecution Force concerning the alleged perjury of former Acting FBI Director L. PATRICK GRAY, III during his confirmation hearings in February and March, 1973.

It was pointed out to Assistant Director MINTZ that in conjunction with this investigation, WFO Agents were attempting to locate the transcripts of the GRAY confirmation hearings which had been circulated for review by Bureau officials for March 1, 1973 (morning), March 1, 1973 (afternoon), and March 8, 1973 (morning). Assistant Director MINTZ advised that he may or may not still have copies of the transcripts in his files but that it is his best recollection that after the transcripts were marked to call attention to any errors in Mr. GRAY's testimony or to clarify some point made by Mr. GRAY, the transcripts were returned to then Assistant Director RICHARD BAKER who was coordinating the project involving the GRAY confirmation hearings.

Assistant Director MINTZ then produced from a file located in his office, a folder containing copies of all documents relating to the GRAY confirmation hearings and in the presence of the interviewing Agents, proceeded to review the folder in an attempt to locate any of the transcripts. It is noted that none of the above referred to transcripts were found in the folder. Assistant Director MINTZ again reiterated that it is his best recollection that he did not retain any of the transcripts.

Assistant Director MINTZ pointed out that he did not read each page of each of the daily transcripts which were furnished to him but only those parts of the transcripts which were paper clipped with a three by five index card indicating an area in the testimony of Mr. GRAY that he should review.

Interviewed on 11/14/74 at Washington, D.C. File # WFO 74-293

by SAs DENNIS F. HOFFMAN and ANGELO J. LANO DFH:cmr Date dictated 11/18/74

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Assistant Director MINTZ was shown a Xerox copy of a memorandum dated March 13, 1973, to Mr. BAKER from Legal Counsel entitled "Confirmation Authority of the President to Order Interception of White House Communications." He was also shown a Xerox copy of an undated note prepared by former Acting FBI Director L. PATRICK GRAY, III. Assistant Director MINTZ advised that he had prepared the above described memorandum in response to the undated note of former Acting Director GRAY. He stated that after the memorandum was sent up to Mr. BAKER his tickler copy was routed to him by BAKER through regular channels. He stated that he definitely did not pick it up in Mr. BAKER's office. Assistant Director MINTZ explained that whenever anything was prepared on the GRAY confirmation hearings two copies were prepared for Mr. BAKER who would thereafter route copies to appropriate Bureau officials.

Assistant Director MINTZ then displayed to the interviewing Agents his tickler copy of the above referred to memorandum which is located in the folder from his file cabinet which is also referred to above. It is noted that attached to Assistant Director MINTZ' Xerox copy of the memorandum is a routing slip from the Domestic Intelligence Division, Research Section, addressed to Mr. MINTZ bearing the stamped signature THOMAS J. SMITH and the handwritten initials "TJS" which states as follows, "In view of the nature of Mr. GRAY's inquiry and your response, we have taken the liberty of marking 'ROUTE IN ENVELOPE' on this- we suggest that this be filed in Special File Room and that ticklers be also marked so as to offer maximum protection." At the conclusion of the interview, Assistant Director MINTZ made available a copy of the above routing slip to the interviewing Agents.

It was further noted that a Xerox copy of the undated note of former Acting Director GRAY was attached to Assistant Director MINTZ' tickler copy of the March 13, 1973, memorandum.

Again, with regard to the undated note attached to the March 13, 1973, memorandum, Assistant Director MINTZ stated that he would not have held the note more than a day after receiving it before preparing his memorandum responding to the note. Therefore, he had to have received the note on either Monday, March 12, 1973, or Tuesday, March 13, 1973, the date the memorandum was prepared.

Assistant Director MINTZ was shown a copy of the March 5, 1973, issue of Time magazine and his attention was directed to an article entitled "The Administration: Questions About GRAY" on pages 14 and 15 of the magazine. Assistant Director MINTZ stated that he has no recollection of having had any discussion with then Acting Director GRAY and/or then Acting Associate Director W. MARK FELT on February 26, 1973, concerning the article referred to above.

Assistant Director MINTZ initially stated that he does not even recall scanning or reading the article in February, 1973. He noted that at that time he was alone in the Office of Legal Counsel, Assistant Director DWIGHT DALBY having retired and that he just "ran through mail" because of the volume which came across his desk.

During the course of the interview, Assistant Director MINTZ read the above referred to article and stated that he now recalls that he did scan that article briefly in February, 1973. He reiterated, however, that he had no discussion concerning this article with any Bureau official.

The attention of Assistant Director MINTZ was directed to a routing slip dated February 26, which is attached to the inside front cover of the above referred to issue of Time magazine. Blockstamps on the reverse side of this routing slip indicate that the magazine was received in the Office of the Director at 4:44 p.m. on February 26, 1973, the Office of the Associate Director at 8:29 a.m. on February 27, 1973, and the Office of Legal Counsel at 12:47 p.m. on February 27, 1973. Next to the name "FELT" on the routing slip there appears a blue inked checkmark. Assistant Director MINTZ was asked if he recognizes this blue check. He stated that he does not recognize the check but that it is the kind of thing that the Director's Office would do to indicate that the magazine should be routed to then Acting Associate Director FELT. It was noted that the names "MINTZ" and "HERINGTON" are handwritten at the bottom of the list of Bureau personnel named on the routing slip. Assistant Director MINTZ noted that as of February, 1973, JACK HERINGTON was in the Press Office which explains why the magazine would have been routed to him.

Assistant Director MINTZ was shown a Xerox copy of a four page memorandum dated February 26, 1973, entitled "RE: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." After reviewing the memorandum, Assistant Director MINTZ advised that he had never seen the original or a copy of that document before.

Assistant Director MINTZ stated that he did attend the usual Monday Staff conference of Bureau officials held on February 26, 1973. He has no recollection that there was any discussion during this conference of the Time magazine article referred to above. He cannot state that there was no discussion of the article but he does not recall that there was any such discussion.

Assistant Director MINTZ advised that although he usually attended the Monday Staff conferences he did not keep notes or records of what transpired at the meetings. It is his belief that a record was kept of what transpired at the meeting but he does not know by whom. A memorandum would be prepared concerning the meeting but would not be circulated.

With regard to the weekend of February 23- 26, 1973, Assistant Director MINTZ stated that he had no contact with then Acting Director GRAY during that period and that he never had any contact with GRAY regarding the above referred to Time magazine article.

Assistant Director MINTZ was shown a Xerox copy of a one page memorandum dated March 6, 1973, entitled "Personal Reminder for Mr. GRAY." After reviewing the memorandum, Assistant Director MINTZ stated that he has never seen the original or a copy of that memorandum before.

Assistant Director MINTZ was shown a Xerox copy of a nine page memorandum dated March 16, 1973, from T.J. SMITH to Mr. E. S. MILLER entitled "Dissemination to the White House of National Security Information." The copy count on the memorandum indicates a tickler copy to Mr. J. A. MINTZ. After reviewing the memorandum, Assistant Director MINTZ stated that he does not have a copy of it and that he is not sure he ever saw it. He noted that handwritten information on the face of the copy of the memorandum displayed to him indicates that the ticklers

were destroyed on June 14, 1973. Assistant Director MINTZ pointed out that he did not become involved in the matter with which the above described memorandum concerns itself until May, 1973, when WILLIAM D. RUCKELSHAUS became Acting Director of the FBI.

Assistant Director MINTZ advised that he first became aware of the problem of the removal of FBI documents concerning electronic surveillance when he was called in one Sunday afternoon in May, 1973, by BUCKY WALTERS. When he arrived at FBIHQ, he attended a meeting between WALTERS and Agents from the Inspection Division wherein WALTERS stated that Acting Director RUCKELSHAUS was starting an investigation concerning the removal of the FBI documents. Assistant Director MINTZ pointed out that he was asked to attend the meeting to render legal opinions concerning possible violations of various statutes.

Assistant Director MINTZ recalls that sometime after then Acting Director RUCKELSHAUS started his investigation, Mr. RUCKELSHAUS approached MINTZ and inquired whether there was an obligation on the part of the Government to furnish information which might damage the Government's case in a criminal prosecution to the judge trying the case. Assistant Director MINTZ stated that he advised Mr. RUCKELSHAUS at that time that if the Government had any evidence relating to improper actions by the Government in a criminal case, that the Government was obligated to inform the court. Although the question was posed by Mr. RUCKELSHAUS as a hypothetical, Assistant Director MINTZ now realizes that Mr. RUCKELSHAUS was referring to the ELLSBERG prosecution. He stated that this was his only contact with the ELLSBERG case.

Assistant Director MINTZ stated, in response to a question, that he has no information regarding who took control of L. PATRICK GRAY's office and safe the day that GRAY resigned as Acting FBI Director. He stated that the last contact he had with GRAY was when GRAY called all of the Assistant Directors into his office to apprise them of his decision to resign as Acting Director.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/19/74

[redacted], Secretary to Assistant Director, JOHN A. MINTZ, Room 5640, was shown a copy of a memorandum dated March 13, 1973, from "Legal Counsel to Mr. BAKER." b6 b7C

[redacted] advised that her initials appear on the bottom of the page as the person who typed the document. She advised she has no recollection of having typed it. b6 b7C

[redacted] was next shown a Xerox copy of a hand-written note and asked if she recalled the note or attaching the note to the above described memorandum. She replied she had no recollection of having attached this note to any memorandum. b6 b7C

After re-reading the March 13, 1973, memorandum, [redacted] advised that one citation on page 2, the United States vs. the United States District Court stands out in her mind, but could not explain it any further. b6 b7C

[redacted] was asked to explain why Mr. MINTZ' copy of the memorandum was a Xerox and not a "white carbon". [redacted] explained whenever she was called upon to type a memorandum requiring a large number of copies, she would normally type the original and make Xerox copies of the required remainder. b6 b7C

Interviewed on 11/14/74 at Washington, D.C. File # WFO 74-293

by SAs ANGELO J. LANO and DENNIS F. HOFFMAN AJL:cmr Date dictated 11/18/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

10/18/74

Date of transcription

On October 16, 1974, SAs ANGELO J. LANO and DENNIS F. HOFFMAN of the Washington Field Office were permitted by Assistant Director ODD T. JACOBSON of the Office of Planning and Evaluation to review "Confirmation" documents formerly under the control of RICHARD BAKER. The review of these files was necessitated due to a request from the Office of the Watergate Special Prosecutor to determine whether or not this file contained a memorandum dated March 13, 1973, from "Legal Counsel to Mr. BAKER," captioned "Confirmation, Authority of the President to Order Interception of White House Communications." In addition the review was to further determine if an "undated note" from the Acting Director was attached to the previously described memorandum.

Upon completion of this review none of the above described documents were located.

Mr. JACOBSON was advised of the above fact and he suggested the Agents interview SA [redacted] of his office to determine where the documents might be located. b6 b7C

Interviewed on 10/16/74 at Washington, D.C. File # WFO 74-293

by SAs ANGELO J. LANO and DENNIS F. HOFFMAN AJL:cmr Date dictated 10/17/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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10/18/74

Date of transcription

On October 16, 1974, SAs ANGELO J. LANO and DENNIS F. HOFFMAN of the Washington Field Office reviewed the confirmation "tickler" file of former Associate Director W. MARK FELT in room 714 of the Federal Triangle Building, 9th and D Streets, N.W., Washington, D.C. The review of this file was necessitated due to a request from the Office of Watergate Special Prosecutor to determine whether or not this file contained a memorandum dated March 13, 1973, from "Legal Counsel to Mr. BAKER," captioned "Confirmation, Authority of the President to Order Interception of White House Communications." In addition the review was to further determine if an "undated note" from the Acting Director was attached to the previously described memorandum.

During the course of this file review, the Agents located the above described memorandum and the "undated note."

Interviewed on 10/16/74 at Washington, D.C. File # WFO 74-293

by SAs ANGELO J. LANO and DENNIS F. HOFFMAN AJL:cmg Date dictated 10/17/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/21/74

CHARLES A. NUZUM, Supervisor, Division 6, FBI Headquarters (FBIHQ), advised that on November 20, 1974, he had determined from Miss [redacted], Secretary to Inspector THOMAS W. LEAVITT, Intelligence Division (Division 5), FBIHQ, that appropriate Bureau records disclosed that the following Bureau personnel reported for duty on the indicated dates:

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February 24, 1973:	E.S. MILLER and T.J. SMITH worked.
February 25, 1973:	No one worked.
March 3, 1973:	T.J. SMITH worked.
March 4, 1973:	No one worked.
March 10, 1973:	L.E. BELANGER, CHARLES H. MC CARTHY, [redacted], E.S. MILLER, T.J. SMITH, FORREST S. PUTMAN, JR. worked.
March 11, 1973:	T.J. SMITH worked.

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Records do not exist to indicate whether W. MARK FELT worked any of these above days. [redacted] retired about four years ago and was not a Bureau employee on the above dates.

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July 10, 1971:	A.J. DECKER, [redacted], JOSEPH A. SIZOO, JOSEPH M. SIZOO, J.R. WAGONER, and W.R. WANNALL worked.
July 11, 1971:	JESSE R. HAGY worked.

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b7C

W.C. SULLIVAN was Assistant to the Director as of the above dates and was not assigned to the Intelligence Division. There are no records available to indicate whether SULLIVAN worked on these dates. The records do not indicate that C.D. BRENNAN or BERNARD WELLS worked on either of the above dates.

Interviewed on 11/20/74 at Washington, D.C. File # WFO 74-293

by SA ANGELO J. LANO:cmr Date dictated 11/21/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

11/26/74

Date of transcription

Mr. ODD T. JACOBSON, Assistant Director, Office of Planning and Evaluation (Division 13), Federal Bureau of Investigation Headquarters (FBIHQ), Room 5734, Main Justice Building, telephone number 324-3555, was advised of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO) and, thereafter, furnished the following information:

In February, 1973, his position was that of "Number Two Man" in the Inspection Division and, as such, he did not attend any of former Associate Director W. MARK FELT's conferences. Specifically, he was not present at FELT's February 26, 1973, conference and, in fact, he never attended any of these executive conferences until he (JACOBSON) became an assistant director. He assumes that former Assistant Director LEONARD "BUCKY" WALTERS was present at the conference in question but he (JACOBSON) has no knowledge of the subjects which were discussed at the conference in question. WALTERS is currently employed by the House Appropriations Committee and has an office in the Forrestal Building, Washington, D.C. (WDC), telephone number 693-5882.

Mr. JACOBSON was exhibited a Xerox copy of an article entitled "Data From Security Taps Reported Given Liddy, Hunt" which appeared in the February 14, 1973, edition of The Washington Post. Mr. JACOBSON was also exhibited a Xerox copy of a nine page memorandum, dated March 16, 1973, from T. J. SMITH to Mr. E. S. MILLER and captioned, "Dissemination To The White House of National Security Information." Mr. JACOBSON's attention was directed to the first sentence of the last paragraph on page one of this memorandum which states in part that "The Acting Director instructed that a detailed analysis be prepared of this article (in reference to the above described article)..." Mr. JACOBSON was asked whether he had any knowledge of former Acting Director L. PATRICK GRAY's instructions concerning the preparation of this article, and, if so, whether the instructions had been oral or in the form of a memorandum. Mr. JACOBSON stated that he had no knowledge of any such instructions GRAY may have issued

Interviewed on 11/22/74 at Washington, D.C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:cmr Date dictated 11/25/74

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and noted that the copy count on the noted memorandum does not include the Inspection Division of which he was a member at that time.

Concerning the disposition of any documents in GRAY's possession when he resigned, Mr. JACOBSON stated that he did not participate in reviewing any documents GRAY may have taken with him or left behind. He further stated that Bureau Supervisor CHARLES A. NUZUM was involved in looking through GRAY's safe subsequent to GRAY's resignation and that former Associate Director FELT may also have participated in the review.

Concerning the disposition of the documents in FELT's possession when FELT resigned, Mr. JACOBSON advised that Bureau Supervisor CORNELIUS "NEIL" G. SULLIVAN possibly inventoried the contents of FELT's office and safe at that time.

Mr. JACOBSON, in response to specific questions, provided the following additional information:

When WILLIAM D. RUCKELSHAUS was appointed as Acting Director, he (JACOBSON) did not participate in any briefings for RUCKELSHAUS in connection with the DANIEL ELLSBERG Case (Pentagon Papers Case) or in connection with the so-called White House ordered 17 wiretaps. In fact, he never attended any conferences in RUCKELSHAUS' office.

The May 4, 1973, memorandum to FELT from RUCKELSHAUS, captioned "Wiretaps on Newspapermen" served as the format for the line of questioning utilized by the Inspection Staff in its May, 1973, investigation to locate the missing wiretap logs and records. There was no list of questions per se utilized by the inspectors and their aides.

To his knowledge, the investigation instituted by RUCKELSHAUS to locate the aforementioned wiretap logs and records was the result of RUCKELSHAUS having read a The New York Times article or The Washington Post article wherein the White House wiretaps were mentioned. He (JACOBSON) was not a party to any RUCKELSHAUS/WALTERS conversations which transpired in connection with the investigation. However, it was his understanding that WALTERS summoned Assistant Director E. S. MILLER and Bureau Supervisor THOMAS J. SMITH to converse directly with RUCKELSHAUS to further enlighten him on the matter.

To his knowledge, there were no conversations among Bureau officials during or immediately subsequent to GRAY's confirmation hearings which conversations dealt with the fact that GRAY may have committed perjury. If there were any such discussions, he (JACOBSON) was not a participant therein. In this same regard, Mr. JACOBSON was exhibited a Xerox copy of a one page note, dated March 6, 1973, captioned "Personal Reminder For Mr. Gray" which was reportedly prepared by former Bureau Supervisor THOMAS J. SMITH and which, with respect to GRAY's testimony concerning having checked the Bureau's electronic surveillance records, in effect, points out to GRAY that such a check would not be possible without knowing the location of the electronic surveillance and the name of the subject or telephone number involved. Mr. JACOBSON stated he had never previously observed this note nor had he ever previously heard of its existence. He did learn from THOMAS J. SMITH that GRAY had requested to review the Bureau's electronic surveillance indices and that SMITH and MILLER had transported same from Division Five's offices located in the Federal Triangle Building, 9th and D Streets, N.W., WDC, to the Main Justice Building for GRAY's personal inspection. Mr. JACOBSON explained that some electronic surveillance indices are maintained in duplicate, one set being located in the Main Justice Building and another set maintained (at that time) in the Federal Triangle Building.

Mr. JACOBSON was asked if he knew the details of a reported confrontation between J. EDGAR HOOVER and RICHARD KLEINDIENST in 1971, wherein, in response to a statement by KLEINDIENST to the effect that he would welcome a Congressional investigation of the FBI, HOOVER, reportedly threatened to reveal the existence of secret White House ordered wiretaps. Mr. JACOBSON stated he had no knowledge of any such confrontation.

Mr. JACOBSON was exhibited a Xerox copy of serial number 119 from Bureau file 65-75085, a three page letter dated October 24, 1969, from J. EDGAR HOOVER to President RICHARD M. NIXON. Mr. JACOBSON's attention was directed to the notation appearing in the middle of the lower portion of page one of this letter wherein appears the notation "delivered by OJB, 10/24/69." Mr. JACOBSON stated that these initials looked like those of ORRIN J. BARTLETT, a retired Agent, who was Special Agent [redacted] predecessor in the Bureau's White House Liaison Section. b6 b7C

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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11/26/74

Date of transcription

Special Agent (SA) RICHARD D. COTTER, Bureau Security Officer, assigned to the Inspection Division (Division 10), Federal Bureau of Investigation Headquarters (FBIHQ), was interviewed in Room 5246, FBIHQ. SA COTTER was made aware of the scope and nature of the investigation being conducted at the specific request of the Watergate Special Prosecutor's Office (WSPO).

SA COTTER advised that he was a Section Chief in the Research Section, FBIHQ, from January, 1970, until June, 1971. In June, 1971, he was assigned to the Intelligence Evaluation Committee, Internal Security Division, United States Department of Justice, where he served as the FBI representative until June, 1972. He advised that SA [redacted] was also assigned to the Intelligence Evaluation Committee as an FBI representative. In June, 1972, SA COTTER was transferred back to FBIHQ as the Bureau Classification Officer in which capacity he served until September, 1974, when he was transferred to his present position. SA COTTER noted that he suffered a heart attack in September, 1970, and that from the time he returned to work in January, 1971, until approximately April, 1971, he worked only half days.

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It was explained to SA COTTER that information developed to date had indicated that he assisted Inspector THOMAS J. SMITH in reviewing transcripts of L. PATRICK GRAY's testimony during his confirmation hearings which testimony dealt with White House ordered wiretaps which were instituted by the FBI. SA COTTER stated that he had reviewed certain portions of the GRAY testimony relative to the confirmation hearings but that he had not reviewed any testimony that related to the White House ordered wiretaps.

SA COTTER stated that he has no personal knowledge concerning who was in charge of reviewing the transcripts of the GRAY testimony concerning the wiretaps. He further stated that

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by SAs DENNIS F. HOFFMAN and CHARLES W. HARVEY DFH:cmr Date dictated 11/25/74

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he has no personal knowledge of what Inspector T. J. SMITH's role was in the reviewing of the transcripts but he does recall SMITH pushing a cart filled with files between the 7th floor and the 10th floor of the Federal Triangle Building, 9th and D Streets, N.W., Washington, D.C. (WDC). SA COTTER believes that [redacted] a Super Grade Clerk, assisted SMITH in whatever he was doing with regard to the transcripts by doing indexing, et cetera. b6 b7C

SA COTTER stated that he did prepare three or four memoranda regarding FBI policy concerning internal security matters which were to be used by Mr. GRAY to respond to questions asked by various Senators, especially Senator BYRD, during the confirmation hearings.

SA COTTER was shown a Xerox copy of a memorandum dated March 6, 1973, entitled "Personal Reminder for Mr. GRAY." After viewing this document, SA COTTER stated that he had never seen the original or a copy of that document before and that he has no knowledge concerning that document.

SA COTTER was shown a Xerox copy of an article by BOB WOODWARD and CARL BERNSTEIN entitled "Data From Security Taps Reported Given LIDDY, HUNT" which appeared in the February 14, 1973, edition of The Washington Post. After scanning the copy of the article, SA COTTER stated that he believes that he does remember reading this article and that, in fact, he recalls writing a memorandum in response to the charges made in the article. It is his best recollection that W. RAYMOND WANNALL, who was at that time the Branch Chief, Internal Security Division, FBI, asked him to help out on some aspect of the "ELLSBERG Case". SA COTTER noted that JIM WAGONER was the Case Agent at FBIHQ who was handling the ELLSBERG matter.

SA COTTER stated that he may, in fact, still have a tickler copy of the memorandum that he prepared in response to the charges in the article. SA COTTER then reviewed, in the presence of the interviewing Agents, a file which he maintains entitled "Miscellaneous File" in which he maintains tickler copies of various memoranda which he prepared in connection with certain assignments. SA COTTER located in that file a Xerox copy of a three page memorandum dated May 22, 1973, entitled "Memorandum For Mr. FELT" which was directed to the then Acting Associate Director by Acting Director WILLIAM D. RUCKELSHAUS. Attached to that memorandum is a

Xerox copy of The Washington Post article referred to above. It is noted that the memorandum sets forth nine specific questions to which Acting Director RUCKELSHAUS requested responses. SA COTTER also located in his file his tickler copy of a two page memorandum dated June 4, 1973, from E. S. MILLER to Mr. FELT entitled "G. GORDON LIDDY and E. HOWARD HUNT-Information Concerning." It is noted that the initials "RDC" appear on the bottom of the memorandum indicating that it was prepared by SA COTTER. Attached to this memorandum is is a ten page document listing the specific questions to which Mr. RUCKELSHAUS requested responses together with the detailed responses prepared in answer to each of those questions. At this point in the interview, SA COTTER furnished the interviewing Agents with the copies of the above described documents from his file. SA COTTER noted that although he was the Bureau Classification Officer in June, 1973, at the time he prepared the memorandum from E. S. MILLER to Mr. FELT, he did on occasion assist the Internal Security Division, to which he was assigned, when they needed help on certain projects. It was in this capacity, that he prepared the memorandum from E. S. MILLER to Mr. FELT.

SA COTTER was shown a Xerox copy of a nine page memorandum dated March 16, 1973, from T. J. SMITH to Mr. E. S. MILLER entitled "Dissemination to the White House of National Security Information." After scanning the copy of the memorandum, SA COTTER stated that he had never seen the original or a copy of that memorandum before and that he was not even aware that the memorandum had been written. He had no knowledge that such a memorandum had been written at the time he prepared the memorandum from E. S. MILLER to Mr. FELT dated June 4, 1973, which dealt with the same questions as the March 16, 1973, memorandum referred to above.

SA COTTER was shown a Xerox copy of an article which appeared in the March 5, 1973, issue of Time magazine entitled "The Administration: Questions About GRAY." After scanning the article, SA COTTER stated that he does not recall reading that article and that he did not prepare any memorandum in response to it.

SA COTTER was shown a Xerox copy of a four page memorandum dated February 26, 1973, entitled "RE: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." After scanning this memorandum, SA COTTER

stated that he had never seen the original or a copy of that memorandum previously and that he did not assist in the preparation of the memorandum or the research which would have been necessary to its preparation. He noted that T. J. SMITH often worked by himself and that he (SMITH) had a tremendous capacity for "knocking out memos."

In response to a question, SA COTTER stated that he has never had any discussion with any Bureau official to the effect that L. PATRICK GRAY may have perjured himself during his confirmation hearings in February and March, 1973.

In response to a question, SA COTTER stated that he has no knowledge regarding who may have secured L. PATRICK GRAY's office and safe when he resigned as Acting Director of the FBI and that he did not assist in any way in securing the office or the safe. He stated that it would be his best guess that T. J. SMITH would have been the individual to secure the office and the safe. Similarly, he has no knowledge regarding who secured Mr. FELT's files when he retired from the FBI.

SA COTTER was asked if he had participated in one of a number of briefings concerning both the "ELLSBERG Case" and the White House ordered wiretaps which were held during the first days of Mr. RUCKELSHAUS' tenure as Acting Director of the FBI. SA COTTER stated that he had not attended any of these briefings and that he had nothing to do with them.

SA COTTER noted that when he was assigned as a Section Chief in the Research Section, Internal Security Division, in January, 1970, he was told by either BERNIE WELLS or WILLIAM C. SULLIVAN that WELLS was working on a "special project" and that he (WELLS) might be absent from his regular assignment at various times. SA COTTER stated that WELLS would often be gone from his desk for several hours but that he (COTTER) had no idea what the "special project" entailed.

SA COTTER stated that he never had any discussion with T. J. SMITH or any other Bureau personnel regarding the White House ordered wiretaps and that his knowledge of the HALPERIN and ELLSBERG taps was obtained from news media accounts.

SA COTTER was asked if he had any information regarding the removal of the FBI records concerning the White

House ordered wiretaps from the FBI by WILLIAM C. SULLIVAN in 1971 and a subsequent investigation conducted in October, 1971, in an effort to locate those documents. SA COTTER stated that as of October, 1971, he was assigned to the Intelligence Evaluation Committee, United States Department of Justice. He had no knowledge that SULLIVAN had removed any FBI documents from the Bureau or that any subsequent investigation was conducted by Bureau personnel to locate the records.

SA COTTER stated that he could furnish no information regarding a one page memorandum describing both the 17 White House ordered wiretaps and the [redacted] wiretaps which memorandum was allegedly mislaid by Mr. GRAY prior to his confirmation hearings and discovered by him subsequent to those hearings. SA COTTER stated that he has never heard anything concerning such a memorandum.

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 11/29/74

RICHARD D. BAKER, Special Agent in Charge (SAC) of the FBI's Philadelphia, Pennsylvania, Field Office, was advised of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO). Thereafter, he furnished the following information:

From the latter part of August, 1972, until January 15, 1974, he served as Assistant Director of the Bureau's Office of Planning and Evaluation (OPE), which division had been created by former Acting FBI Director L. PATRICK GRAY, III. Part of the duties of this division, during GRAY's confirmation hearings before the Senate Judiciary Committee in February and March, 1973, consisted of reviewing the transcripts of the hearings to insure that GRAY's testimony was accurate and factual. Each day of the hearings, Inspector DAVID BOWERS would pick up from the Committee whatever copies of the transcripts were available, usually the preceding day's transcripts. The transcripts obtained by BOWERS, which were sometimes in triplicate, would then be sent to the Bureau's Mechanical Section where additional copies would be made, exact number not recalled, but a sufficient number to enable each division to have a copy. The cover memorandum was then prepared and attached for forwarding the transcripts to the respective divisions. This cover memorandum would, where appropriate, instruct a division to insure that Mr. GRAY had made no mistakes in his testimony and/or to look into any questions that remained unresolved in the testimony.

SA [redacted] then assigned to OPE, was responsible for keeping track of the transcripts and replies from the various divisions. There was no set procedure with respect to whether the transcripts were returned from the various divisions and his (BAKER's) recollection is that there was no need for a transcript to be returned to [redacted] if there were no questions to be resolved by that particular division. In fact, it is possible that a memorandum alone, without the transcript involved, would be returned to [redacted] by a

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Interviewed on 11/26/74 at Philadelphia, Pennsylvania File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:cmr Date dictated 11/27/74

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division which was responding to a question or resolving a point in GRAY's testimony. The majority of questions concerning the transcripts fell within the category of matters handled by Division Five, the Intelligence Division; Division Six, the General Investigative Division; and Division Nine, the Special Investigative Division. SA JAMES F. AHEARN, assigned to OPE, also assisted in matters pertaining to the confirmation hearings.

He (BAKER) has no knowledge of what happened to the copy of the transcript for the morning session of the March 1, 1973, hearings, which copy had been reviewed by Division Five.

Mr. BAKER was exhibited a copy of the March 5, 1973, issue of Time magazine, page 14 of which contains an article entitled, "Questions About Gray." He stated that he recalls this article but is unable to specifically recall whether the article was mentioned during the February 26, 1973, conference held in the office of former Associate Director W. MARK FELT. Concerning this conference, he is reasonably certain he attended same since he usually attended FELT's Monday morning conferences. He noted that during the preceding week, he (BAKER) had been on annual leave in Florida and was summoned back to Washington, D.C. (WDC) by DAVID D. KINLEY, one of GRAY's administrative assistants, to assist in the confirmation hearings and was, therefore, probably in attendance at FELT's conference on the morning in question. The aforementioned article is the type of thing that would have been discussed during such a conference.

Mr. BAKER pointed out that he is unable to recall specifics of this conference and other events surrounding GRAY's confirmation hearings because, in part, nothing came up in the hearings that he (BAKER) knew to be false at that time. GRAY did make mistakes in testimony but these were attributable to his ignorance regarding certain Bureau operations and his unfamiliarity with some Bureau procedures. Had GRAY lied during the hearings, specifics would be easier to recall and, if such occurred, GRAY would have undoubtedly been confronted by high ranking Bureau officials.

In this same regard, with respect to GRAY's confirmation hearings, Mr. BAKER provided the following additional information:

During the initial stages of the confirmation hearings, GRAY would have "skull" sessions with his staff assistants, DAVID D. KINLEY, DANIEL "MAC" ARMSTRONG, and Ms. BARBARA HERWIG. KINLEY would accompany GRAY to the hearings and would maintain an accordion folder containing material assembled by OPE. Ms. HERWIG was assigned to make notations during the hearings on matters and questions posed by the committee which required immediate resolution. When the hearings recessed on a given day, Ms. HERWIG would then give her notes to OPE in order that a response could be prepared.

Eventually, GRAY, during the confirmation hearings, apparently came to realize that more input was needed at the "skull" sessions than his administrative assistants were able to offer. Consequently, and probably at the suggestion of KINLEY, more and more representatives of OPE began attending the "skull" sessions where they would play the "devil's advocate" by asking GRAY difficult questions about the Bureau, i.e., the type of questions that could be expected from members of the committee. Certain members of OPE had certain areas of questioning for GRAY. These questions may have been written but were probably not preserved. He (BAKER) is certain that the subject of wiretaps came up during these "skull" sessions but he believes that the subject arose during the initial "skull" sessions GRAY was having with his administrative assistants, i.e., prior to the participation of representatives of OPE.

Mr. BAKER was exhibited: (1) A Xerox copy of an article appearing in the February 14, 1973, edition of The Washington Post entitled, "Data From Security Taps Reported Given Liddy, Hunt," and (2) A Xerox copy of a nine page memorandum dated March 16, 1973, from T. J. SMITH to Mr. E. S. MILLER and captioned, "Dissemination to the White House of National Security Information." The last paragraph on page one of this memorandum reads, in part, "The Acting Director instructed that a detailed analysis be prepared of this article (a reference to the aforementioned article)..." Mr. BAKER was asked whether he had any knowledge of the details of and circumstances surrounding GRAY's instructions that "a detailed analysis be prepared" of the article in

question. He stated that he cannot recall whether he was ever aware of such instructions and that KINLEY may have called former Assistant Director E. S. MILLER direct and relayed GRAY's instructions.. If KINLEY did this, then he (KINLEY) may have called him (BAKER), but he has no recollection of this.

Mr. BAKER was also exhibited: (1) A Xerox copy of a three page memorandum dated March 13, 1973, from Legal Counsel to Mr. BAKER, and entitled, "Confirmation, Authority of the President to Order Interception of White House Communications," page three of which bears, among other initials, the initials "RDB" on the lower left hand side; (2) Another Xerox copy of the same memorandum as described in number one, the copy count on page one of which bears the handwritten notation "1-Mr. KINLEY;" and (3) Two Xerox pages depicting handwritten notes of GRAY beginning, "If Congr. does not want Pres. to intercept..." and ending "...stealing sensitive documents of the NSC is itself a grevious and harmful felony--."

Mr. BAKER advised that the memorandum described in number one above is a Xerox copy of the original as evidenced by his initials on page three of same. The notation "1-Mr. KINLEY" appearing in the copy count on page one of the memorandum described in number two above was written by him (BAKER) in order that one of his (BAKER's) copies of the memorandum would be furnished to KINLEY. The original memorandum, presumably, should have gone to files. A Xerox copy of the undated notes described in number three above was attached to each copy of the memorandum.

Concerning what circumstances prompted the preparation of the above described March 16, 1973, memorandum, Mr. BAKER stated he had no knowledge of same but would "guess" that GRAY gave the notes to KINLEY who in turn gave them to Legal Counsel JOHN A. MINTZ. He (BAKER) probably read the memorandum and may or may not have read the attached notes. In any event, he would not scrutinize the memorandum in view of his high regard for MINTZ' ability. He (BAKER), after reading the memorandum, checked off the names, "FELT," etc, in the stamp in the upper right hand corner of page one of the original. The copies of this memorandum were, to the best of his recollection, thin white copies as opposed to Xerox copies.

In response to specific questions, Mr. BAKER provided the following additional information:

He does not know what happened to the documents in GRAY's possession when GRAY resigned nor does he know what happened to any documents in FELT's possession when FELT resigned.

In late April and early May, 1973, he did not attend any briefings in which former Acting Director WILLIAM D. RUCKELSHAUS was briefed on the DANIEL ELLSBERG case (Pentagon Papers Case) and/or the so-called White House ordered wiretaps. Insofar as OPE was concerned, when GRAY left, the "flow" of mail ceased.

He has no information regarding a "mislaid" envelope which allegedly contained a one page memorandum outlining the White House wiretap project, which envelope was allegedly located by GRAY subsequent to his confirmation hearings. In fact, he (BAKER) did not even know that such an envelope and memorandum were alleged to exist.

Mr. BAKER was exhibited a Xerox copy of a one page memorandum dated March 6, 1973, and captioned, "Personal Reminder for Mr. Gray" which alludes to the fact that GRAY could not have conducted a meaningful check of the Bureau's electronic surveillance indices without a name, telephone number or location of a particular wiretap. Mr. BAKER stated that he did not believe he had ever previously observed this document.

Mr. BAKER was also exhibited a Xerox copy of a four page memorandum dated February 26, 1973, and captioned, "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." He stated that he had previously been displayed this document by representatives of the WSPO.

Mr. BAKER was also asked whether he had any knowledge that some of GRAY's, or GRAY's administrative assistants', "grapevine" sources had told GRAY (or his administrative assistants) that there was credibility to news media accounts concerning the White House ordered 17 wiretaps. Mr. BAKER noted he had no knowledge that these wiretaps were brought to GRAY's attention in such a manner. He noted that "MAC" ARMSTRONG did apparently have sources of information within the Bureau.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/4/74

Date of transcription

Special Agent (SA) Supervisor RUSSELL H. HORNER, Intelligence Division (Division Five), FBI Headquarters (FBIHQ), Room 4847, J. Edgar Hoover Building, telephone number 324-4713, permitted a review of the Bureau's National Security Electronic Surveillance (NSES) file, Bureau file number 62-115687, which contains a memorandum dated February 27, 1973, to former Assistant Director E. S. MILLER from former Bureau Supervisor THOMAS J. SMITH, and captioned, "National Security Electronic Surveillance."

It was personally observed that this page and one half memorandum served to forward to former Acting Director L. PATRICK GRAY, III, a briefing book which had been prepared upon GRAY's instruction for any appearances he might make before any Congressional Committees. According to Mr. HORNER, the briefing book in question, which was not observed by the interviewing Agent, detailed the Bureau's electronic surveillance policy and identified all such surveillances.

The copy count reflected on the memorandum disclosed one copy each was directed to the following individuals:

Mr. FELT.
Mr. BAKER.
Mr. MINTZ.
Mr. MILLER.
Mr. SMITH.
Mr. ARMSTRONG.

Mr. HORNER noted that the Bureau has, in the past, resisted efforts of the Watergate Special Prosecutor's Office (WSPO) to obtain the above described briefing book but that the WSPO has previously been advised that the book would be made available for the personal inspection of former Watergate Special Prosecutor LEON JAWORSKI. He also noted that, presumably, the same offer would extend to the current Watergate Special Prosecutor, HENRY RUTH.

Interviewed on 11/29/74 at Washington, D.C. File # WFO 74-293 72-194

by SA CHARLES W. HARVEY:cmr Date dictated 12/2/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/9/74

Special Agent (SA) Supervisor RUSSELL H. HORNER, Intelligence Division (Division Five), FBI Headquarters (FBIHQ), Room 4847, J. Edgar Hoover Building, telephone number 324-4713, permitted a review of the original of a memorandum dated February 27, 1973, from THOMAS J. SMITH to Assistant Director E. S. MILLER, and captioned "National Security Electronic Surveillance." This memorandum, which was previously observed on November 29, 1974, by the interviewing Agent, was contained in Bureau file 62-115687, and the following additional observations were noted:

The memorandum was, as indicated by a time stamp, received in the Director's office at 3:03 p.m. on February 27, 1973. Another time stamp reflected that the memorandum has been received in the Office of Assistant Director MILLER at 10:47 a.m. on the same date.

Initials on page two of the memorandum indicated that it had been seen by DAVID D. KINLEY, W. MARK FELT, STERLING B. DONOHOE, and RICHARD D. BAKER. Also, the initials of former Acting Director L. PATRICK GRAY, III, appear in red felt tip ink on page two of the memorandum as "GIII" along with the time, 9:47 p.m. (February 27, 1973).

Interviewed on 12/9/74 at Washington, D. C. File # WFO 72-194
74-293

by SA CHARLES W. HARVEY:lmc Date dictated 12/9/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/5/74

Mr. STERLING B. DONAHOE, 2813 Spiral Lane, Bowie, Maryland, home telephone number 262-0871, was interviewed at the office of DAVID ROSS, Attorney at Law, Free State Mall, 15500 Annapolis Road, Bowie, Maryland, telephone number 262-6000. Mr. ROSS was not present during the interview and, after being informed of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO), Mr. DONAHOE furnished the following information:

He retired from the FBI on or about June 22, 1973. In 1969, he was number one man to C. D. DE LOACH, Assistant to the Director; from July, 1970, until September 30, 1971, he was number one man to W. C. SULLIVAN, Assistant to the Director; from September 30, 1971, until mid June, 1972, he was number one man to ALEX ROSEN, Assistant to the Director; from June, 1972, until the latter part of August, 1972, he was in "limbo;" and from the latter part of August, 1972, when the Office of Planning and Evaluation (OPE) was established, until his retirement, he was number one man to Assistant Director RICHARD D. BAKER who was in charge of that division.

He first learned that MORTON HALPERIN had been the subject of a Bureau wiretap and that DANIEL ELLSBERG had been overheard on that tap when these facts were made public through court proceedings. Prior to that time, he was aware of some secret wiretap project that was being handled by former Assistant to the Director WILLIAM C. SULLIVAN. When SULLIVAN became an Assistant to the Director in July, 1970, he brought with him from the Federal Triangle Building, located at 9th and D Streets, N.W., Washington, D.C. (WDC), some "special" files which he (SULLIVAN) maintained in a combination safe cabinet in his office to the rear of his (SULLIVAN's) desk. The combination to this cabinet safe was known only to SULLIVAN and, when SULLIVAN first assumed the position of Assistant to the Director, he mentioned to DONAHOE that the Bureau was conducting some "highly sensitive coverage" and, since the project was on a "need-to-know" basis, he would not involve DONAHOE in

Interviewed on 12/4/74 at Bowie, Maryland File # WFO 72-194
74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:cmr Date dictated 12/5/74

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it unless he (DONAHOE) insisted. DONAHOE did not "need to know" and, therefore, did not insist on learning what was involved in the project.

SULLIVAN maintained two two drawer safe cabinets behind his desk but only one of these contained the "special" files. Subsequently, SULLIVAN replaced the two drawer safe cabinet containing the special files with a key type cabinet to which, as far as he knows, only SULLIVAN had a key. Immediately after the burglary of the FBI's Media, Pennsylvania, Resident Agency, SULLIVAN became concerned over the security of the special files, removed same from the key type cabinet, and placed them in the original combination type cabinet which was then located under the mail rack in the office of Secretary [redacted] This safe containing the special files thereafter remained in [redacted] office. It is possible that [redacted] and Bureau Secretary [redacted] may also have had the combination and/or a key to the cabinet containing the special files. b6 b7C

There was "extremely limited access" to the above mentioned safe, but Special Agent (SA) BERNARD A. WELLS had access to same, and he (DONAHOE) occasionally observed WELLS dictating to [redacted] concerning the special files. Once or twice, another Agent, identity not recalled, accompanied WELLS to the safe. The Agent in question was not Washington Field Office (WFO) SA [redacted] SA [redacted] or SA [redacted] Also, the Agent was not FBI Headquarters (FBIHQ) SA JAMES WAGONER but it is his (DONAHOE's) recollection that the unrecalled Agent was from Division Five at FBIHQ. He is not certain, but the Agent in question may have been RUSSELL H. HORNER. b6 b7C

Concerning whether CHARLES "CHICK" BRENNAN had knowledge of the special project, he (DONAHOE) cannot recall any direct link to establish BRENNAN's knowledge of the project but he would be surprised if BRENNAN was not aware of the project in view of BRENNAN's close relationship with SULLIVAN.

Mr. DONAHOE recalled that when he was interviewed by representatives of the WSPO several months ago, he was exhibited a letter from the Bureau to the White House concerning a wiretap on (first name not recalled) [redacted] which project was being handled by former Bureau Supervisor JOE SIZOO. He noted that it was evident from the letter b6 b7C

that there was a Bureau wiretap on [redacted] but he did not relate this to the special project being handled by SULLIVAN. b6 b7C

Mr. DONAHOE was advised that during the investigation instituted by former Acting Director WILLIAM D. RUCKELSHAUS in May, 1973, to locate the missing wiretap logs and records, a carbon copy of a one page blind memorandum dated June 15, 1971, and entitled "RE: MORTON HALPERIN," had been recovered from the White House. In view of the proximity of the date of this memorandum to the date the Pentagon Papers case involving DANIEL ELLSBERG "broke," Mr. DONAHOE was specifically asked if he had any information or had observed any circumstances which would indicate that the White House ordered wiretaps were ever considered for their potential value in the Pentagon Papers case, noting that some of the principals involved in the Pentagon Papers case, e.g., ELLSBERG and HALPERIN, had been the subjects of electronic surveillances (elsur) or had been overheard on same during the course of the special wiretap project. Mr. DONAHOE stated that he had no such knowledge.

Mr. DONAHOE was advised that information had been developed to the effect that in October, 1971, subsequent to SULLIVAN's departure, Bureau Supervisor THOMAS J. SMITH attempted to reconstruct the wiretap records when it was discovered that the wiretap logs and records had been removed from the Bureau. Mr. DONAHOE was asked to elaborate on the circumstances surrounding this event and, thereupon, furnished the following information:

On September 30, 1971, Director HOOVER ordered SULLIVAN to retire. At 6:00 p.m. on the same date, SULLIVAN had still not departed his office. He (DONAHOE) approached SULLIVAN in [redacted] office, asked him if he could assist him in packing, and mentioned the sensitive records, the contents and details of which were still unknown to DONAHOE. He told SULLIVAN that these sensitive records should be returned to Director HOOVER's office. SULLIVAN agreed and stated he would take care of them the next day. He (DONAHOE) told SULLIVAN, "We'd better take care of it tonight." This statement caused SULLIVAN to "flare up" and state to the effect, "What's the matter, you think I'm going to take Bureau material?" DONAHOE assured him this was not the case, which assurance, in retrospect, he has come to regret. Also present in [redacted] office was b6 b7C

[redacted] and, possibly, [redacted] stated b6 b7C
to SULLIVAN, in reference to the sensitive material, "Isn't that the stuff you keep in this cabinet," motioning to the previously described combination safe cabinet. SULLIVAN replied, "Yes, but it's not there now." Thereupon, both DONAHOE and [redacted] registered surprise and SULLIVAN further stated to the effect, "They're (the records) in BRENNAN's shop," a reference to the Federal Triangle Building wherein Division Five was located.

On that same evening (September 30, 1971), he (DONAHOE) remained at the office until SULLIVAN departed at approximately 6:30-7:00 p.m. DONAHOE then told WILLIAM B. SOYARS, who in turn told W. MARK FELT, about the missing records. DONAHOE noted that at that time he knew only that the records in question concerned some type of sensitive technical surveillance which may have been connected with some special White House coverage.

The next morning, SULLIVAN called [redacted] b6 b7C
and stated he would be on sick leave, a peculiar action inasmuch as SULLIVAN, for all practical purposes, had been fired the previous day. On the same morning, DONAHOE instructed [redacted] to open the safe, and it was discovered that the senstive records were indeed missing. He (DONAHOE) asked [redacted] what had happened to the records and she said she did not know. She mentioned that WELLS had taken the records over to Division Five a month earlier but that she was sure WELLS had returned them. [redacted] also said that the records in question amounted to approximately one file drawer full.

DONAHOE then asked [redacted] about the records b6 b7C
and she related substantially the same information as had [redacted] including the fact that WELLS had taken them approximately a month earlier but subsequently returned them.

Thereafter, DONAHOE, FELT, and SOYARS decided to begin looking for the missing records in the Federal Triangle Building, specifically in the section of SA RICHARD A. COTTER since that section had something to do with research. They also discussed the fact that they would need someone in the Federal Triangle Building whom they could "talk to" in attempting to locate the records. DONAHOE suggested to SOYARS and FELT that THOMAS J. SMITH was such a person.

He (DONAHOE) subsequently learned that the records had been taken to the Justice Department and the next time he heard about the records was when they were the subject of an investigation ordered by former Acting Director RUCKELSHAUS. DONAHOE stated that, therefore, he had no knowledge of the actual attempt to reconstruct the wiretap records.

Mr. DONAHOE's attention was directed to the period of August 4, 1971, when DANIEL ELLSBERG's attorneys were arguing against ELLSBERG's removal from Boston, Massachusetts, to Los Angeles, California, to stand trial on charges emanating from the Pentagon Papers case; specifically, that ELLSBERG's attorneys were contending that the government's case against ELLSBERG involved information obtained from wiretaps. Mr. DONAHOE was asked if this allegation by ELLSBERG's attorneys had ever been discussed among Bureau officials. He replied that he had no recollection that this was ever discussed and reiterated that, at that time, he never associated ELLSBERG with any "security techs." He noted that such allegations were uniform for the defense in almost any type case.

Mr. DONAHOE was asked whether he was aware of any discussions that occurred with respect to the elsur checks conducted by the Bureau, at the request of the Department, in preparation for the ELLSBERG trial inasmuch as ELLSBERG had been overheard on the HALPERIN wiretap. Also, specifically, Mr. DONAHOE was advised that information had been developed that, in connection with some of the update elsur checks, certain Bureau officials discussed the fact that one of the update elsur check requests was based upon a court order requiring the production of overhears of HALPERIN subsequent to November 28, 1971, which time frame did not include the HALPERIN wiretap. Mr. DONAHOE advised that if such discussions occurred, he was not a party to same and that he did not know who may have participated in any such discussions.

Concerning the Senate Judiciary Committee Hearings on the confirmation of L. PATRICK GRAY as FBI Director, Mr. DONAHOE was asked to recall the activities of OPE during February and March, 1973. He furnished the following information.

Inspector DAVID BOWERS would bring the transcripts back from the Committee on a daily basis. These transcripts

were then forwarded to the Bureau's Mechanical Section where they were reproduced and, thereafter, each division was furnished a copy of same. This project was coordinated by SA [redacted] who was then assigned to OPE. After each committee session, a briefing was held with GRAY's Administrative Assistants DAVID KINLEY, Ms. BARBARA HERWIG, and DANIEL "MAC" ARMSTRONG, which briefings were based upon notes taken by these assistants during the hearings. These notes generally involved inserts in the record which GRAY had promised the committee. b6 b7C

At the inception of the hearings, a memorandum containing overall instructions was directed to each division. This memorandum stated that each division should read GRAY's testimony to assure that same was factual and accurate. Also, each division was asked to name a key man to handle the matter of transcripts for that particular division. Some Assistant Directors designated themselves as the key man, but THOMAS J. SMITH was designated as the key man for Division Five.

To the best of his recollection, DONAHOE believes that when the transcripts were received back from the Mechanical Section, two three man teams, headed respectively by [redacted] and [redacted] would inform the various divisions concerning the material required for an insert into the committee record. He (DONAHOE) does not recall exactly how the transcripts and accompanying memoranda were sent to each division, but, in any event, he maintained a tickler folder on same. There was no set procedure regarding whether each transcript forwarded to a division had to be returned to OPE. In fact, [redacted] kept a tickler folder for BAKER and [redacted] maintained a tickler file on all memoranda written on inserts. b6 b7C

After GRAY departed the Bureau, BAKER, during the week of May, 1973, talked with DAVID BOWERS and told BOWERS that OPE had many copies of the transcripts. BOWERS told BAKER to send the transcripts to him (BOWERS) and BAKER did so, maintaining one set for OPE.

Mr. DONAHOE was advised that an effort was being made to determine the whereabouts of the transcript reflecting the morning session of the March 1, 1973, hearings, which transcript had been reviewed by Division Five. He stated he had no knowledge of the location of this transcript.

In this same regard, Mr. DONAHOE was asked to relate his knowledge of the "skull" sessions held by GRAY, during his confirmation hearings, with his administrative assistants and representatives of OPE, particularly, insofar as wiretaps were concerned. He furnished the following additional information:

He attended probably all of the "skull" sessions with GRAY, his administrative assistants and representatives of OPE. He cannot specifically recall the subject of wiretaps coming up during these sessions but he has a vague recollection that CHUCK LICHENSTEIN may have raised a question about an article concerning the White House ordered wiretaps which appeared in Time magazine and what GRAY's response should be when questioned by the committee about the article. In this regard, DONAHOE recalls GRAY stating, "I'm going to have to stay with what I said." He (DONAHOE) is positive that GRAY made such a statement and thinks it was related to GRAY's testimony concerning the special wiretaps.

Furthermore, he believed at that time that GRAY, by virtue of being Acting Director of the FBI, knew about the sensitive wiretaps which had been handled by SULLIVAN even though he (DONAHOE) still did not know what was actually involved in same. In fact, after he (DONAHOE) read the Time article concerning the wiretaps, he had "thoughts" that the article referred to the special files SULLIVAN had caused to be removed from the Bureau. Therefore, since, again, he assumed GRAY knew of the special project, DONAHOE did not raise the issue with GRAY or others at the skull sessions because the wiretaps in question were "closely held" and other individuals present at the sessions did not and should not know about them. He noted that none of the members of OPE present at the skull sessions would have had, based upon their prior assignments, occasion to learn of the special wiretaps.

Mr. DONAHOE was asked if he had any knowledge that a "grapevine" source of ARMSTRONG's within the Bureau had indicated to ARMSTRONG that there was credibility to the press accounts of the White House ordered wiretaps. Mr. DONAHOE replied that he had no such knowledge.

Mr. DONAHOE was exhibited a Xerox copy of a one page memorandum, dated March 6, 1973, and captioned, "Personal Reminder for Mr. Gray," which alludes to the fact that, concerning GRAY's testimony that he had checked the records

and had been unable to locate any records of any newsmen being wiretapped, a meaningful search could not be conducted without knowing the location of the elsur and the name of the subject of the wiretap and/or telephone number involved. Mr. DONAHOE stated he had never previously observed this memorandum and knows nothing concerning the preparation of same.

Mr. DONAHOE was exhibited a Xerox copy of a four page memorandum, dated February 26, 1973, and captioned, "RE: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." He stated he had never previously observed this document.

With regard to the date February 26, 1973, Mr. DONAHOE was asked if he attended the conference which was held in former Associate Director W. MARK FELT's office on that date, noting that the Time article he previously referred to became available on that date. He stated that he rarely attended FELT's conferences and has no recollection of having attended one on that date.

Mr. DONAHOE was exhibited a Xerox copy of an article entitled, "Data From Security Taps Reported Given Liddy, Hunt," which appeared in the February 14, 1973, issue of The Washington Post. He was also exhibited a Xerox copy of a nine page memorandum, dated March 16, 1973, from T. J. SMITH to Mr. E. S. MILLER, and captioned, "Dissemination to the White House of National Security Information," the last paragraph on page one of which states, in part, "The Acting Director instructed that a detailed analysis be prepared of this article (a reference to the aforementioned article)..." Mr. DONAHOE was asked if he had any knowledge of the circumstances surrounding Mr. GRAY's instructions that "a detail analysis" be prepared of the above article. He stated he has no recollection of having previously observed either the above described article or memorandum. He noted that GRAY frequently issued instructions via a direct telephone call to FELT or, as possibly occurred in instance in question, by a direct telephone call to Assistant Director MILLER. He also noted GRAY's penchant for writing notes and issuing instructions in red ink.

Concerning his role in the disposition of the documents in GRAY's office when GRAY left the Bureau, Mr. DONAHOE provided the following additional information:

When GRAY resigned on or about April 27, 1973, he (DONAHOE) told Assistant Director BAKER that they had better get the documents in GRAY's office "on the record." To accomplish this, during the first week of May, 1973, DONAHOE took all of the documents in GRAY's office and set them up for filing. During the same week, BAKER told DONAHOE that TOM MOTEN had obtained a quantity of material from GRAY's office and BAKER wanted DONAHOE to review this material. [redacted] had told DONAHOE that she believed that DAVID KINLEY had called BAKER and asked if MOTEN could take the material in his possession to BAKER. b6 b7C

DONAHOE was concerned that the material from GRAY's office relative to the confirmation hearings had existed for so long a period, some of it at least since February 28, 1973, without ever having been filed. He (DONAHOE) then began categorizing the various documents by writing cover memoranda concerning the appropriate subject and attaching GRAY's documents to the proper cover memoranda. All these memoranda were from DONAHOE to BAKER. By doing this, the documents could then be filed under appropriate headings. Two such memoranda, with the GRAY documents attached, concerned Watergate and the Bureau of Indian Affairs (BIA) incident. It was in this manner that DONAHOE filed everything in GRAY's office.

Mr. DONAHOE further advised that he does not have a strong recollection of the precise nature of any of the material obtained from GRAY's office. He encountered nothing which he deemed "suspicious." There was one memorandum dealing with the confirmation hearings, subject matter not recalled, which was missing from GRAY's documents. However, DONAHOE had SA [redacted] check and, consequently, the OPE tickler copy of the same memorandum was located and substituted in place of the missing GRAY memorandum. DONAHOE prepared a memorandum reflecting that this one insert memorandum was missing and that OPE's tickler copy of same was being substituted in place thereof. He (DONAHOE) meticulously did this in order to insure that an accurate basis existed for each and every insert that had been entered into the Judiciary Committee confirmation hearing records. b6 b7C

Mr. DONAHOE was specifically asked if any of the material he handled from GRAY's office dealt with the White House ordered wiretap project. He stated he could recall no such documents. He was also asked whether THOMAS J.

SMITH had conducted any review of GRAY's documents. Mr. DONAHOE stated that, to his knowledge, SMITH conducted no such review.

Mr. DONAHOE was exhibited (1) a Xerox copy of two pages of GRAY's handwritten notes beginning, "If Congr. does not want Pres. to intercept..." and ending, "...And stealing sensitive documents of the NSC is itself a grevious and harmful felony--;" and (2) a Xerox copy of a three page memorandum dated March 13, 1973, from Legal Counsel to Mr. BAKER, captioned "Confirmation, Authority of the President to Order Interception of White House Communications." Mr. DONAHOE advised that he had previously observed both of the above described items, noting that his initials appear immediately to the right of Mr. BAKER's name on page one of item number two. He stated that this was one of the documents he catalogued in May, 1973, as evidenced by the date "5/7" which appears to the right of his previously noted initials.

Mr. DONAHOE provided the following additional information in response to specific questions:

He did not participate in any briefings of former Acting Director WILLIAM D. RUCKELSHAUS during the transition of the Acting Directorship from GRAY to RUCKELSHAUS wherein RUCKELSHAUS was briefed on the Pentagon Papers case (ELLSBERG case) and the White House ordered wiretap project. He has no knowledge of the identity of any individuals who may have participated in any such briefings.

He has no knowledge of a "mislaid" envelope containing a one page memorandum outlining the White House wiretap project, which envelope GRAY reportedly claims to have discovered in his office subequent to his testimony during his confirmation hearings.

He has no knowledge of any discussions among Bureau personnel during or subsequent to GRAY's confirmation hearings concerning the fact that GRAY may have committed perjury with respect to his testimony wherein he disclaimed any knowledge of the White House ordered wiretap project.

He had nothing to do with the removal of any documents from the office of W. MARK FELT when FELT retired from the Bureau in May, 1973.

He has no knowledge of a notation by GRAY wherein, in response to an article or document dealing with the White House ordered wiretaps, GRAY wrote to the effect, "No truth to this."

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FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/13/74

Special Agent (SA) JOHN J. CLYNICK, Supervisor, General Investigative Division (Division 6), FBI Headquarters (FBIHQ), Room 5005, J. Edgar Hoover Building, telephone number 324-4264, was advised of the nature of the investigation being conducted at the request of the Watergate Special Prosecutor's Office (WSPO) and, thereafter, provided the following information:

Upon the resignation of former Acting Director L. PATRICK GRAY, III, on April 27, 1973, he and Bureau Supervisor CHARLES A. NUZUM were directed to report to GRAY's office to retrieve some Watergate related material. Specifically, he and SA NUZUM reported to GRAY's office late in the afternoon on that date and, from a safe in the hallway of the offices of GRAY's administrative assistant, they obtained four groups of investigative reports concerning the original Watergate case along with copies of various Watergate related teletypes, airtels, and FD-302's furnished by the Washington Field Office (WFO), all of which material had previously been provided GRAY at his request.

On May 7 and/or 8, 1973, he (CLYNICK) was sent to the office of then Associate Director W. MARK FELT where Assistant Director LEONARD WALTERS gave him two or three cartons of material which, according to WALTERS, represented all the Bureau material removed from GRAY's office. He (CLYNICK) does not know the identity of the individual who actually removed the material from GRAY's office and placed it in the cartons, nor does he know how these cartons came to be located in FELT's office. In any event, he was told to prepare an inventory of the various documents and material. Also present during the inventory was Bureau Supervisor THOMAS J. SMITH of the Intelligence Division (Division 5). It was his (CLYNICK's) impression at that time that SA SMITH was present to inventory security related material. In this regard, he (CLYNICK), when inventorying security related material, would list the general nature of the material, leaving a more detailed analysis of same to the discretion of SMITH.

74-293

Interviewed on 12/12/74 at Washington, D. C. File # WFO 72-194

by SA CHARLES W. HARVEY:lmc Date dictated 12/13/74

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SA CLYNICK noted that it was his understanding that the inventory he prepared was to be utilized by Assistant Director WALTERS to facilitate the sending of various material to the appropriate divisions. He stated that he did not attempt to analyze or even read the material in question, but only prepared an inventory of same. In this same regard, the items he inventoried on May 7 and/or 8, 1973, are enumerated in the memorandum from Section Chief R. E. LONG to Assistant Director GEBHARDT, dated May 9, 1973. Also, another LONG to GEBHARDT memorandum, dated May 10, 1973, reflects the items he and SA NUZUM obtained from the safe outside GRAY's office on April 27, 1973, as mentioned above.

SA CLYNICK was exhibited a Xerox copy of a four page blind memorandum, dated February 26, 1973, and captioned "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." He stated he was not familiar with this article and does not believe that he has ever previously observed same.

SA CLYNICK was advised that, at the request of the WSPO, an attempt was being made to locate the copy of a transcript reflecting the Hearings of the Senate Judiciary Committee on the Confirmation of L. PATRICK GRAY as FBI Director, which transcript concerns the morning session of March 1, 1973, and which transcript was reviewed by Division 5. SA CLYNICK stated that he had no knowledge of the present whereabouts of this transcript nor does he recall observing same during the aforementioned inventory.

SA CLYNICK was exhibited a Xerox copy of a memorandum dated March 16, 1973, and captioned "Personal Reminder for Mr. GRAY," which alludes to the fact that GRAY could not have conducted, as he testified during his confirmation hearings, a meaningful check of the Bureau's electronic surveillance indices without a name, telephone number or the location of a particular wiretap. He stated he had no recollection of ever having previously observed this memorandum.

SA CLYNICK was asked if he had any knowledge concerning a "mislaid envelope" which Mr. GRAY allegedly found

in his office subsequent to his confirmation hearings and which envelope allegedly contained a memorandum relative to the White House ordered wiretaps. SA CLYNICK stated he had no knowledge of this memorandum.

SA CLYNICK stated he never heard nor participated in any discussions concerning the fact that GRAY may have committed perjury during his confirmation hearings.

SA CLYNICK also advised he had nothing to do with the inventory or disposition of the material in the office of former Associate Director W. MARK FELT when FELT retired in May, 1973.

SA CLYNICK permitted a review of a Bureau file containing copies of various memoranda and documents relating to the Watergate case. This file contained the two previously mentioned LONG to GEBHARDT memoranda, dated May 9, 1973 and May 10, 1973. These memoranda, along with other memoranda pertaining to the removal and disposition of documents in GRAY's office at the time of his resignation, were marked and SA CLYNICK indicated he would furnish Xerox copies of the originals of these memoranda to the interviewing Agent.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/26/74

Date of transcription

On December 17, 1974, an envelope containing Xerox copies of the following documents was received from the Accounting and Fraud Section-Watergate Unit, FBI Headquarters. It is noted that these documents were previously requested during an interview with Bureau Supervisor SA JOHN J. CLYNICK of that Unit on December 12, 1974.

1 - Mr. GEBHARDT from R. E. LONG May 8, 1973 memorandum
RE: JAMES WALTER MC CORD, JR., ET AL.
BURGLARY OF DEMOCRATIC NATIONAL
COMMITTEE HEADQUARTERS, JUNE 17, 1972.
INTERCEPTION OF COMMUNICATIONS
Enclosure: Memorandum for the Acting Director from VERNON A. WALTERS July 6, 1972.

RE: Information Provided the Federal Bureau of Investigation Regarding the Watergate Incident.

Enclosure: Memorandum for the Acting Director from VERNON A. WALTERS.
RE: EVERETTE HOWARD HUNT, JR. JULY 7, 1972

2 - Mr. WALTERS from K. L. BROUSE May 8, 1973 memorandum
RE: STUDY OF FEDERAL NARCOTICS ENFORCEMENT

3 - Mr. GEBHARDT from R. E. LONG May 9, 1973 memorandum
RE: MATERIAL MAINTAINED IN MR. GRAY'S OFFICE
AT THE TIME OF HIS RESIGNATION AS ACTING
DIRECTOR OF THE FBI

4 - Mr. GEBHARDT from R. E. LONG May 10, 1973 memorandum
RE: MATERIAL MAINTAINED IN MR. GRAY'S OFFICE
AT TIME OF HIS RESIGNATION AS ACTING
DIRECTOR OF THE FBI

Enclosure: Listing of 83 reports of SAs regarding Watergate investigation.

Interviewed on 12/17/74 at Washington, D.C. File # WFO 74-293

SA CHARLES W. HARVEY:cmr 12/20/74

by Date dictated

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5 - Mr. GEBHARDT from R. E. LONG May 10, 1973 memorandum
RE: MATERIAL MAINTAINED IN MR. GRAY'S OFFICE AT TIME OF HIS RESIGNATION AS ACTING DIRECTOR OF FBI

6 - Mr. E. S. MILLER from W. M. FELT May 18, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

Enclosure: Listed items taken from desk
Listed items taken from file

7 - Honorable Harold H Titus, Jr. May 23, 1973 letter
United States Attorney
Court House Building
Washington, D.C.

8 - Mr. GEBHARDT from W. M. FELT May 25, 1973, memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

9 - Mr. CLEVELAND from W. M. FELT May 25, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

10 - Mr. J. W. MARSHALL from W. M. FELT May 25, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

11 - Mr. F. D. THOMPSON from W. M. FELT May 25, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

12 - Mr. J. A. MINTZ from W. M. FELT May 25, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973 UPON HIS RESIGNATION

13 - Mr. FELT from FLETCHER D. THOMPSON May 31, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM MR. GRAY'S OFFICE, APRIL 27, 1973, UPON HIS RESIGNATION

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14 - Mr. MARSHALL from Mr. MALMFELDT June 5, 1973 memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM
MR. GRAY'S OFFICE, APRIL 27, 1973,
UPON HIS RESIGNATION

15 - Mr. GEBHARDT from R. E. LONG June 6, 1973 memorandum
RE: JAMES WALTER MC CORD, JR., ET AL.
BURGLARY OF DEMOCRATIC PARTY
HEADQUARTERS,
INTERCEPTION OF COMMUNICATIONS

16 - Mr. GEBHARDT from R. E. LONG June 7, 1973 memorandum
RE: JAMES WALTER MC CORD, JR.; ET AL.
BURGLARY OF DEMOCRATIC
PARTY HEADQUARTERS
INTERCEPTION OF COMMUNICATIONS

17 - Mr. E. S. MILLER from T. J. SMITH June 14, 1973 memorandum
RE: BURGLARY OF DEMOCRATIC
PARTY HEADQUARTERS
INTERCEPTION OF COMMUNICATIONS

Enclosure: Calls from Dahlberg Electronics, Inc.

Enclosure: Unlabeled Material Relating to Watergate Investigation

18 - Mr. LONG from C. A. NUZUM June 22, 1973 memorandum
RE: JAMES WALTER MC CORD, JR., JR.
BURGLARY OF DEMOCRATIC NATIONAL
HEADQUARTERS
WASHINGTON, D.C.
JUNE 17, 1972
INTERCEPTION OF COMMUNICATIONS

19 - Mr. W. R. WANNALL from T. J. SMITH July 31, 1974, memorandum
RE: INVENTORY OF MATERIAL TAKEN FROM
MR. GRAY'S OFFICE, APRIL 27, 1973,
UPON HIS RESIGNATION

Enclosure: Items removed from Mr. GRAY's office at time of his departure on April 27, 1973 - relating to Intelligence Division.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/20/74

Date of transcription

LEONARD M. WALTERS, Former Assistant Director, Federal Bureau of Investigation, was interviewed in the Washington Field Office. WALTERS was advised that the interview was being conducted at the specific request of the Office of the Watergate Special Prosecutor and that it would deal with the Removal of National Security Wiretap Records and the investigation into the possible perjury committed by LOUIS PATRICK GRAY, III before the Senate Judiciary Committee.

WALTERS advised he was an Assistant Director in charge of the Identification Division from October, 1969, until September, 1972. At that time he was transferred to head of the Inspection Division in view of the retirement of then Assistant Director JOSEPH PONDER. WALTERS served as Assistant Director of the Inspection Division from September, 1972, until his retirement on June 22, 1973.

WALTERS advised that the Assistant Director in charge of the Inspection Division is the number three slot in the FBI chain of command. As such, whenever the Associate to the Director was on leave or away from the office for any extended period of time, WALTERS would occupy that position. At that time (September, 1972 through June, 1973, W. MARK FELT was Associate Director.) During that time period, KARL BROUSE, now retired, was (WALTER's) number one man and ODD T. JACOBSON was his number two man.

WALTERS was shown a copy of Time Magazine dated March 5, 1973, and asked if he would examine the routing slip attached to the inside cover. After reviewing the routing slip, WALTERS said it indicated that the magazine had gone to the Director's Office and then to Mr. FELT and then to JOHN MINTZ and JACK HERRINGTON. WALTERS said there was no question about the initial "F" on the front being that of Mr. FELT. He examined the blue ink check mark and replied that it used to be that the only person who used blue ink in Bureau Headquarters was the late Director J. EDGAR HOOVER. However, WALTERS said he believed the check mark belonged to LOUIS

Interviewed on 12/12/74 at Washington, D.C. File # WFO 74-293 72-194

by SAs ANGELO J. LANO and DENNIS F. HOFFMAN AJL:cmr Date dictated 12/16/74

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PATRICK GRAY, III. He was not certain of this and added that it was possible that someone in the inner office could have "checked it out," and GRAY not have seen the magazine at all.

WALTERS attention was then directed to an article tabbed "14 & 15," captioned "THE ADMINISTRATION: QUESTIONS ABOUT GRAY."

After a cursory check of the article, WALTERS was asked if he had any recollection of having reviewed the article prior to today's interview. WALTERS said he was aware of the article when it appeared in the magazine and believes that it subsequently appeared in a local newspaper. He was asked if he had any discussion with W. MARK FELT about the contents of the article and whether or not he learned then that the story was true. WALTERS said he had no such discussion and added that he was "not privy to the internal conversations that FELT may have had with GRAY at that time." He recalled that the only discussion he had with FELT during that time period, was to inform FELT that the Inspection Division was being asked to conduct an investigation (by WILLIAM RUCKELSHAUS) into the matter. When asked to explain this, WALTERS said when RUCKELSHAUS came on board after GRAY's resignation, RUCKELSHAUS called WALTERS and asked him if the newspaper stories he had been reading concerning the wiretaps were true. WALTERS said he did not know but suggested that ED MILLER, the Assistant Director of the Intelligence Division, might know something about it. RUCKELSHAUS asked for a briefing and WALTERS contacted MILLER about the stories. MILLER suggested he be permitted to bring SA THOMAS SMITH with him to the briefing. WALTERS agreed and the three of them went to brief RUCKELSHAUS about the 17 wiretaps. WALTERS said it was not until this briefing that he learned of the White House ordered taps. At the conclusion of the briefing, RUCKELSHAUS requested a full scale inquiry into the matter. The purpose was to seek an explanation as to what happened to the documents.

WALTERS said this briefing took place within a day after RUCKELSHAUS became Acting Director. FELT, the Associate Director, was on a speaking engagement in Kansas City and followed by annual leave in California. Although he is not certain where he contacted FELT, he did contact him the same day to inform him of RUCKELSHAUS' decision and that WALTERS was appointing ODD JACOBSON, his number two man, to "ramrod" the investigation. According to WALTERS' recollection, FELT

was away from the desk from about May 3 through May 10, 1973, and this necessitated WALTERS occupying the position of Acting Associate Director.

WALTERS said in order to keep abreast of the investigation to locate the wiretap records, JACOBSON would prepare for him summary memoranda reflecting the status of the case. WALTERS recalled that it was during this same time period that Judge MATT BYRNE, who was then handling the DANIEL ELLSBERG trial in Los Angeles, was quite disturbed over the alleged break-in to the office of Dr. LEWIS FIELDING, ELLSBERG's psychiatrist. BYRNE had also ordered an immediate update of an elsur check in connection with the trial. According to WALTERS, things were happening very fast and within a very short period of time the Inspectors had determined from a clerk in the Washington Field Office that DANIEL ELLSBERG had been overheard on one of the secret White House taps. WALTERS recalled that this fact was brought to RUCKELSHAUS' attention in the form of a memorandum and an FD 302 for forwarding to the Department. He believes this disclosure by the clerk came about the same time that Judge BYRNE had ordered the Government to make a full accountability of its actions in the ELLSBERG case. According to WALTERS, RUCKELSHAUS and HENRY PETERSEN did not immediately transmit the information to Judge BYRNE.

WALTERS added that during the JACOBSON investigation he was in daily contact with FELT over this and the Wounded Knee situation.

WALTERS was asked if he could recall discussing the Time magazine article with any Bureau official including GRAY. WALTERS said he has no recollection of any particular conversation about this article and definitely had no such conversation about it with GRAY.

WALTERS was asked if anyone in the Bureau ever told him that the Time article was true. He said no one ever acknowledged to him that the "wiretaps" had taken place. He added again that he did now know the article was a factual reporting until RUCKELSHAUS first asked him about it on or about May 4, 1973.

WALTERS attention was directed to a JACOBSON memorandum dated May 8, 1973, wherein the last paragraph refers to a "new development". WALTERS was asked if he could recall and explain

what this meant. WALTERS reviewed the memorandum and stated that this information would have come from MILLER directly to JACOBSON, telephonically. He stated during that week of the Inspection Division's investigation to reconstruct and if possible locate the records, the ELLSBERG case was "hot" and the court in California was requesting elsur information. It is his understanding and recollection that at that time, MILLER was dealing directly with Departmental Attorney JOHN MARTIN and in turn keeping abreast of Judge BYRNE's actions and requests. As for himself, he played no direct role in the inquiry.

WALTERS was advised that on May 9, 1973, former Special Agent BERNARD WELLS was interviewed by Inspectors W. A. MEINCKE and SA [redacted] concerning the missing wiretap records. During the course of the interview, WELLS told the interviewing Agents that pursuant to a request from former Assistant Director W. C. SULLIVAN, he, WELLS, determined from the wiretap logs that "there were no telephone calls either made by, or received by Mr. ELLSBERG or calls in which Mr. ELLSBERG in any way participated in the surveillance logs pertaining to this telephone surveillance." WALTERS was asked if he knew why WELLS made such a response and whether or not [redacted] and MEINCKE were told to ask that specific question. WALTERS replied he could offer no explanation because he does not know what was on their minds at the time of the interview. Further, he did not know beforehand what type of questions were to be asked by the Agents, other than what was requested by RUCKELSHAUS.

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b7C

WALTERS was then asked if he recalled any discussions with Bureau officials while GRAY was testifying on the Hill, as to the fact that GRAY committed perjury when he responded in the negative about the wiretaps. WALTERS replied, "No." He then added that since the interviewing Agent asked a specific question, the answer was "no," but if the Agent were to ask it as a general question as to whether or not GRAY mentioned anything about his testimony, the answer would be "Yes." When asked to explain, WALTERS replied that sometime while the confirmation hearings before the Judiciary Committee were still in session, GRAY held an executive conference. At the conference, GRAY made the statement that he had lied at the Congressional hearing "to protect the integrity and honor of the FBI." GRAY did not say what he lied about and WALTERS cannot recall or fix a definite date as to this statement by GRAY. WALTERS could not say whether or not

it was during the time GRAY told the Committee that he checked the wiretap records and found none.

WALTERS was asked if he believed GRAY was referring to GRAY's statement that (JOHN) DEAN had lied to the FBI. WALTERS replied he knew about that statement and said that GRAY was not referring to that one, "he was referring to something else."

WALTERS was asked if he could explain how he was notified of such conferences. He replied that notice would be given by the Associate Director's office a day or two in advance. The executive conferences were usually held about every ten days if GRAY was out of town and weekly if he was in town.

Having time to think in order to reconstruct the time period that GRAY could have made the statement, WALTERS insisted that the Hearings were still in session and that it must have been late March of early April, 1973. He believed that the hearings in fact continued on for sometime after this statement by GRAY.

WALTERS was asked who attended the Executive Conference. WALTERS replied that the Associate Director and all Assistant Directors and GRAY's staff. If any of the above persons were absent then their number one men would sit in their place.

WALTERS was asked if there was any discussion following this statement by GRAY. WALTERS replied that to his recollection, GRAY made the statement at the outset of the meeting and then immediately moved on to other matters. There was no discussion on the matter.

WALTERS was asked if he recalled where he was seated at that particular conference and he replied, that he was far down the line from the head of the table. (This conference, according to WALTERS, took place in the Director's conference room).

WALTERS then supplied the names of the persons who in all probability were at the conference:

NICHOLAS P. CALLAHAN, THOMAS J. JENKINS, WILLIAM V. CLEVELAND, EDWARD S. MILLER, FLETCHER D. THOMPSON, JOHN A. MINTZ,

ROBERT E. GEBHARDT, JOHN W. MARSHALL, IVAN W. CONRAD, WILLIAM B. SOYARS, W. MARK FELT, RICHARD BAKER and himself. In addition, GRAY's aides, DAVID KINLEY, DANIEL ARMSTRONG, BARBARA HERWIG and DAVID LICHENSTEIN may also have been in attendance.

WALTERS was then shown a copy of a memorandum dated March 6, 1973, captioned "PERSONAL REMINDER FOR MR. GRAY". After reviewing the memorandum, WALTERS advised he had never seen the memorandum prior to the interview.

WALTERS was asked if he had any direct or indirect information that GRAY had personally checked the elsur indices. WALTERS advised he had no such information that GRAY had conducted such a check and doubted that he had done so. He added that it would be highly unusual for the Acting Director to go to Division 5 to do such a thing.

WALTERS was asked if he had furnished GRAY the names of the 17 wiretap persons of if anyone else had done so. WALTERS replied he did not furnish any names to GRAY simply because he did not know until May 4, 1973, that such wiretaps had in fact existed. He added that he does not know if anyone else had done so.

WALTERS was asked if he had any information that the wiretap elsur indices were carted from Division 5 to the Acting Director's Office for a personal inspection by GRAY. WALTERS said he had no such knowledge that this had taken place.

WALTERS was asked if he could recall the first time he knew that ELLSBERG had been overheard on the wiretaps. WALTERS replied that he was not aware of any ELLSBERG overhear until the investigation by the Inspection Division uncovered it.

WALTERS then stated that to his recollection, there was a document prepared during HOOVER's lifetime, sometime in 1971 perhaps, that he, WALTERS, believed was from the Department of Justice, informing HOOVER that the wiretap records had been destroyed. WALTERS said until the RUCKELSHAUS investigation determined otherwise, he always believed that the records had been destroyed.

WALTERS was asked if RUCKELSHAUS told him of a telephone call received from W. C. SULLIVAN to RUCKELSHAUS, on the afternoon of May 10, 1973, wherein SULLIVAN suggested to

RUCKELSHAUS that ROBERT MARDIAN be interviewed or questioned about the location of the wiretap records. WALTERS replied that RUCKELSHAUS did not inform him of any such calls and to his knowledge, this was the first he had heard of it.

WALTERS advised should the need arise for additional questioning of him the Agents could reach him at his home, 1303 Macbeth Street, McLean, Virginia, telephone number 356-1464.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/18/74

[redacted] Clerk, Federal Bureau of Investigation (FBI), Office of the Director, was interviewed to determine whether or not former Acting Director LOUIS PATRICK GRAY, III, held executive conferences during March, 1973. b6 b7C

[redacted] said there was no particular schedule set for holding executive conferences while GRAY was Acting Director. Whenever GRAY decided to hold one, [redacted] section would be alerted. On some occasions, his notice was as short as one day prior to the event and on others he would be notified a week in advance. b6 b7C

In order to properly record such events, a card is made up which is captioned "Future Commitments." The card will list any commitment that the Acting Director is set to handle including executive conferences. The card is Xeroxed when the particular day for which it is designated is concluded. All cancellations or additions for that day are also recorded on the card. After Xeroxing, the original card is destroyed and the Xerox is filed in a five and one half inch by eight and one half inch black folder. The folder is then filed in a cabinet with the daily logs. The Xerox cards in the logs support each other as to the activities of the Director or Acting Director on a daily basis.

[redacted] said for the period of time that GRAY was Acting Director, there were two commitment books maintained. One for the period May through December, 1972, and the second for the period covering January through April, 1973. When GRAY left the FBI, the logs, as well as the two commitment books were turned over to him. In explaining the differences in the two, [redacted] said that the logs reflect numerous telephone conversations the Director or Acting Director may have during a particular day whereas the commitment card would show appearances by different individuals on a particular day. b6 b7C

Interviewed on 12/12/74 at Washington, D.C. File # WFO 74-293

by SAs ANGELO J. LANO and DENNIS F. HOFFMAN AJL:cmr Date dictated 12/16/74

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[redacted] said to the best of his knowledge only Assistant Directors, the Associate Director accompanied by his Aide, and the personal staff of GRAY attended the executive conferences while GRAY was the Acting Director. b6 b7C

[redacted] reviewed a Xerox copy of GRAY's logs for March, 1973, and confirmed the fact that there were no entries showing an executive conference had taken place that month. [redacted] did, however, point out that GRAY often times lunched with Assistant Directors and it was conceivable a conference of sorts concerning Bureau matters could have taken place over lunch. b6 b7C

[redacted] said that entries showing "lunch with personal staff" meant that GRAY was having lunch with DAVID KINLEY, DANIEL ARMSTRONG, BARBARA HERWIG and DAVID LICHENSTEIN. b6 b7C

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/23/74

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Mr. WASON G. CAMPBELL, Former Number One Man to the Associate Director, Federal Bureau of Investigation (FBI), was interviewed at his residence, 1131 Anesbury Lane, Alexandria, Virginia, telephone number 360-3370. Mr. CAMPBELL was advised of the official identities of the interviewing Agents and the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO).

At the outset of the interview, Mr. CAMPBELL stated that he had previously been interviewed by representatives of the WSPO concerning the possibility that Former Acting FBI Director L. PATRICK GRAY, III, committed perjury during his confirmation hearings before the Senate Judiciary Committee but that he would be glad to answer any additional questions. Mr. CAMPBELL furnished the following informaation:

To the best of his present recollection, he held the following positions during the approximate indicated periods:

February, 1966 - August, 1970, Assistant Special Agent in Charge (ASAC) of the Bureau's Buffalo, New York, Field Office.

August, 1970 - March, 1971, Field Inspector.

March, 1971 - September or October, 1971, Chief, Criminal Section, General Investigative Division, FBI Headquarters (FBIHQ).

September or October, 1971 - March or April, 1972, Number One Man in Inspection Division.

March or April, 1972 - June, 1973, Associate Director's Office.

June, 1973 - his retirement on June 15, 1974, Assistant Director, Computer Systems Division.

Interviewed on 12/19/74 at Alexandria, Virginia File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS E. HOFFMAN CWH:lmc Date dictated 12/19/74

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Concerning the executive conferences held by Mr. GRAY during his tenure as Acting Director, he (CAMPBELL) cannot recall ever being absent from any of these conferences. Conferences were held every two weeks or so on a specified day, exact day not presently recalled. He has no specific recollection of what was discussed at any of these conference which were held during the period that Mr. GRAY's confirmation hearings were in progress, i.e., March and April, 1973.

Mr. CAMPBELL was specifically asked if he recalled Mr. GRAY, at an executive conference, stating to the effect, "I lied before a Congressional Committee to protect the honor and integrity of the FBI." Mr. CAMPBELL stated that he had no recollection whatsoever of GRAY making such a statement and, if GRAY had, it is not the type of statement he (CAMPBELL) would likely forget.

Mr. CAMPBELL was also specifically asked whether, during or subsequent to Mr. GRAY's confirmation hearings, he (CAMPBELL) heard any discussion among the Bureau officials to the effect that GRAY may have committed perjury before the Committee with respect to disclaiming any knowledge of the so-called White House ordered wiretaps. Mr. CAMPBELL stated that he was never aware of any such discussion and that he (CAMPBELL) did not even know about the wiretaps in question until same were disclosed publicly.

Mr. CAMPBELL's attention was directed to the March 5, 1973, issue of Time magazine which contains an article entitled, "The Administration, Questions About GRAY." Mr. CAMPBELL stated that he was never present at any conference where this article was discussed.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/24/74

[redacted] Secretary, Anti-Racketeering Section, United States Department of Justice (USDJ), was contacted in Room 2521 of the Justice Building. [redacted] was advised of the official identities of the interviewing Agents and that, at the request of the Watergate Special Prosecutor's Office (WSPO), they desired to question her concerning the circumstances surrounding the retirement from the FBI of BERNARD A. WELLS. [redacted] furnished the following information:

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Although she has no specific recollection of doing so, in all probability she typed WELLS' letter of retirement on an unrecalled date, possibly June 15, 1971. She has no recollection concerning any meetings or telephone conversations in which WELLS may have participated on the day he submitted his retirement letter. Specifically, she has no recollection concerning whether WELLS, on that day, had any contacts with EDWARD S. MILLER, THOMAS J. SMITH, WILLIAM C. SULLIVAN, or ROBERT C. MARDIAN. In fact, on the day in question, she has no specific recollection of any of WELLS' activities.

It was her understanding that WELLS' primary reason for retiring from the FBI was to accept a better paying job with the USDJ, a job which he had been considering for several weeks prior to submitting his retirement letter. [redacted] does not know who offered WELLS the position with USDJ or how he came to be offered a position with USDJ.

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She was also WELLS' secretary when he accepted the position at the USDJ. During the period of March through May, 1973, and with respect to the Senate Judiciary Committee hearings on the confirmation of L. PATRICK GRAY, III, as FBI Director, she does not recall that WELLS or any of his associates discussed the possibility that Mr. GRAY had committed perjury in his testimony regarding the so-called White House ordered wiretaps.

Interviewed 12/20/74 at Washington, D. C. File # WFO 74-293 72-194

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 12/21/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 1/2/75

[redacted] Clerk, Intelligence Division (Division 5), Federal Bureau of Investigation Headquarters (FBIHQ), was interviewed in Room 5005, J. Edgar Hoover Building. [redacted] was advised of the identities of the interviewing Agents and of the nature of the inquiry being conducted at the specific request of the Watergate Special Prosecutor's Office. Thereafter, in response to specific questions, [redacted] furnished the following information:

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She has been employed by the Federal Bureau of Investigation (FBI) for 25 years and from August 7, 1972 until the present time she has been assigned to Section IS-1 in Division 5. During March, 1973, she in no way assisted Bureau Supervisor T. J. SMITH with any review of any transcripts of then Acting Director L. PATRICK GRAY's confirmation hearings and, in fact, it was prior to August 7, 1972, that she even worked in the same section, the Research Section, with SMITH.

[redacted] stated that she had nothing whatsoever to do with the transcripts of Mr. GRAY's confirmation hearings and that at no time did she ever hear any discussions among any Bureau personnel that Mr. GRAY may have committed perjury during the confirmation hearings with respect to his testimony on the so-called White House ordered wiretap project.

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Interviewed on 12/31/74 at Washington, D. C. File # WFO 74-293

by SAs DENNIS F. HOFFMAN and CHARLES W. HARVEY DFH:lmc Date dictated 12/31/74

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WFO 74-293

II. Interviews of WILLIAM D. RUCKELSHAUS' Personal Staff

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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11/21/74

Date of transcription

Mr. GARY BAISE, Attorney-at-Law, was interviewed at the offices of Ruckelshaus, Beveridge and Fairbanks, 1 Farragut Square, Washington, D.C. (WDC).

Mr. BAISE advised that he served as Executive Assistant to the Acting Director of the Federal Bureau of Investigation (FBI) during the time that WILLIAM D. RUCKELSHAUS was Acting Director of the FBI. This period was from April 27, 1973, until July 17, 1973.

Mr. BAISE was advised that an investigation was being conducted by the FBI, at the specific request of the Watergate Special Prosecution Force, concerning the alleged perjury by former Acting Director L. PATRICK GRAY, III during his confirmation hearings in February and March, 1973.

Mr. BAISE was advised that in conjunction with this investigation, an attempt was being made to locate the copies of the daily transcripts of the GRAY confirmation hearings which have been furnished to various Bureau officials for corrections and additions. It was further pointed out to Mr. BAISE that investigation conducted to date has indicated that the transcript of the morning session on March 1, 1973, was furnished to Mr. RUCKELSHAUS by a Bureau employee and that it had not been returned by Mr. RUCKELSHAUS.

Mr. BAISE stated that Mr. RUCKELSHAUS currently maintains materials relative to his tenure as Acting Director of the FBI both at the law offices and at the home of FITZHUGH GREEN, who lives in the Georgetown Section of WDC. Mr. BAISE advised that he would have someone go through these documents and materials to determine if the copy of the March 1, 1973, transcript is among those papers.

It was pointed out to Mr. BAISE that during the early days of Mr. RUCKELSHAUS' tenure at the Bureau, he received a number of briefings concerning the "ELLSBERG Case" and a series of wiretaps which were instituted by the FBI on orders from the White House. Mr. BAISE stated that he did not attend any of these briefings regarding the "ELLSBERG Case" and/or the wiretaps.

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SA DENNIS F. HOFFMAN:cmr 11/19/74

by Date dictated

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With regard to the White House ordered wiretaps, Mr. BAISE related that he recalls that shortly after Mr. RUCKELSHAUS took over as Acting Director of the FBI, he (BAISE) and Mr. RUCKELSHAUS were being driven either to or from work on one occasion when the chauffeur gave Mr. RUCKELSHAUS a copy of the latest issue of Time magazine in which Mr. RUCKELSHAUS noted a specific item referring to the 17 wiretaps. It is Mr. BAISE's recollection that it was this item in Time magazine which prompted Mr. RUCKELSHAUS to institute his investigation concerning the wiretaps and the removal of the records concerning those wiretaps from the FBI. Mr. BAISE was queried whether the article to which he was referring could possibly have been in the March 5, 1973, issue of Time magazine rather than in a May issue. Mr. BAISE stated that he is positive that it was a current issue of Time magazine that Mr. RUCKELSHAUS was reading and recalls that the chauffeur had either just picked up the magazine or had picked it up the night before. Mr. BAISE places this occurrence in the first week of May, 1973. After reading the item in Time magazine, Mr. RUCKELSHAUS called CARL EARDLEY, another of his Executive Assistants, into his office and instructed that the investigation concerning the wiretap records be instituted. It is Mr. BAISE's best recollection that Mr. RUCKELSHAUS also contacted Mr. E. S. MILLER and T. J. SMITH concerning the institution of this investigation.

Mr. BAISE was shown a Xerox copy of a four page memorandum dated Feburary 26, 1973, entitled "RE: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." After viewing this document, Mr. BAISE stated that he believes that this memorandum was brought to Mr. RUCKELSHAUS' attention by either Mr. MILLER or Mr. SMITH at the time that the investigation to locate the FBI records of the wiretaps was instituted.

Mr. BAISE stated that it was his belief and the belief of Mr. RUCKELSHAUS at the time that the investigation ordered by Mr. RUCKELSHAUS was ongoing that L. PATRICK GRAY, III could have gotten to the bottom of the wiretap matter if he had pursued it.

With regard to the subsequent recovery of the FBI documents concerning the wiretaps from the White House, Mr. BAISE stated that he recalls a telephone call from former Assistant to the Director of the FBI WILLIAM C. SULLIVAN

to Acting Director RUCKELSHAUS in which SULLIVAN "tipped off" the Acting Director that former Assistant Attorney General ROBERT MARDIAN should be questioned concerning the FBI documents he took to the White House when he is interviewed by FBI Agents. Mr. BAISE recalls that the telephone call from SULLIVAN was late in the afternoon WDC time and that it was also on the same date on which Agents were scheduled to interview ROBERT MARDIAN at Phoenix, Arizona. It is his best recollection that the interview of MARDIAN was scheduled for 4:00 p.m. Phoenix time and that this information concerning the question to ask MARDIAN was relayed to the Agents who were handling the interview. Mr. BAISE statd that it is his best recollection that this telephone call from SULLIVAN was made either on the Wednesday or Thursday preceding the Saturday that Mr. RUCKELSHAUS recovered the FBI documents from the White House. It was the Friday following this call on which the ELLSBERG case was dismissed in California.

Mr. BAISE was shown copies of the daily log, Director's Office, Federal Bureau of Investigation, from May 3, 1973, through May 14, 1973. In reviewing these logs, Mr. BAISE noted a telephone call on Thursday, May 10, 1973, at 5:44 p.m. from Mr. WILLIAM C. SULLIVAN to Mr. RUCKELSHAUS. The log indicates that Mr. SULLIVAN spoke to Mr. RUCKELSHAUS. Mr. BAISE stated that there is no doubt in his mind that this telephone call indicated on the May 10, 1973, log is the telephone call to which he referred above.

Mr. BAISE, in reviewing the daily log from the Director's Office for Friday, May 11, 1973, pointed out that there are numerous telephone calls between Mr. RUCKELSHAUS and Assistant Attorney General HENRY PETERSON, Mr. RUCKELSHAUS and LEONARD GARMENT and Mr. RUCKELSHAUS and Mr. J. T. SMITH who was an Assistant to ELLIOTT RICHARDSON. Mr. BAISE stated that it would be his opinion that the telephone calls with these various individuals related to the discovery of the fact that the FBI documents concerning the White House ordered wiretaps were in the possession of the White House.

In reviewing Mr. RUCKELSHAUS' logs, mentioned above, Mr. BAISE noted several meetings between Mr. RUCKELSHAUS and Mr. W. R. WANNALL, T.J. SMITH, MILLER and WALTERS. Mr. BAISE stated that these meetings would have been related to Mr. RUCKELSHAUS' request for a full investigation concerning the FBI records of the White House ordered wiretaps.

With regard to the alleged perjury committed by former Acting Director L. PATRICK GRAY, III, Mr. BAISE stated that in discussions between himself, Mr. RUCKELSHAUS, and possibly CARL EARDLEY, the subject of Mr. GRAY's perjury was "kicked around." He noted that the discussions he referred to were informal in nature and were not attended by any Bureau officials. These discussions centered around the fact that GRAY might have perjuried himself during his confirmation hearings when he stated that he had no knowledge of the White House ordered wiretaps.

Mr. BAISE stated that he is not aware of any discussions between other Bureau officials regarding the alleged perjury of L. PATRICK GRAY, III during his confirmation hearings.

FEDERAL BUREAU OF INVESTIGATION

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11/21/74

Date of transcription

Mr. GARY BAISE, Attorney with the law firm of Ruckelshaus, Beveridge, and Fairbanks, 1 Farragut Square, N.W., Washington, D.C. (WDC), 393-3320, former Executive Assistant to former Acting FBI Director WILLIAM D. RUCKELSHAUS, was displayed a copy of the May 14, 1973, issue of Time magazine. Mr. BAISE's attention was directed to page 17 of this magazine whereon begins an article entitled, "NIXON's Nightmare: Fighting to be Believed."

Mr. BAISE was asked whether this article provided the basis for Mr. RUCKELSHAUS' investigation in May, 1973, concerning the so-called "White House ordered wiretaps." He stated that he could not positively state that this article was the basis for the noted investigation but that he would display the article to Mr. RUCKELSHAUS (who was not present in the office at that time) and would recontact the interviewing Agents. Upon his request, Mr. BAISE was displayed a Xerox copy of an article entitled "Questions About GRAY" which appeared in the March 5, 1973, issue of Time magazine. He stated that he would also show this article to Mr. RUCKELSHAUS to determine if it could have been the basis for the investigation in question.

Concerning the transcript reflecting the morning session of the March 1, 1973, Senate Judiciary Committee confirmation hearings concerning former Acting FBI Director L. PATRICK GRAY, about which he (BAISE) had been questioned by SA DENNIS F. HOFFMAN on November 4, 1974, Mr. BAISE stated that he had discussed this matter with RUCKELSHAUS and that Mr. RUCKELSHAUS had no recollection of having a copy of the transcript in his possession. Furthermore, in the presence of the interviewing Agents, Mr. BAISE searched a file cabinet containing various materials and documents, e.g., congratulatory letters, which Mr. RUCKELSHAUS had retained from his tenure as Acting FBI Director. This search met with negative results and Mr. BAISE suggested that Mr. CARL EARDLEY, Administrative Assistant to Mr. RUCKELSHAUS, be contacted concerning the transcript in question. He noted that Mr. EARDLEY

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by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:cmr Date dictated 11/19/74

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who prepared the May 4, 1973, memorandum from Mr. RUCKELSHAUS to Mr. FELT entitled "Wiretaps on Newspapermen", which memorandum initiated the actual investigation, is also associated with the aforementioned law firm but is currently in San Juan, Puerto Rico, and will not be available until November 18, 1974.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 11/25/74

Mr. GARY BAISE, Attorney, Ruckelshaus, Beveridge, and Fairbanks, 1 Farragut Square, N.W., Washington, D.C. (WDC), telephone number 393-3320, telephonically furnished the following information:

Since he was interviewed on November 19, 1974, by Special Agents CHARELES W. HARVEY and DENNIS F. HOFFMAN, at which time the Agents left with him a copy of the May 14, 1973, issue of Time magazine (which contained an article entitled "Nixon's Nightmare: Fighting To Be Believed") and a Xerox copy of an article entitled "Questions About Gray" from the March 5, 1973, issue of Time magazine, he had occasion to display the articles in question to WILLIAM D. RUCKELSHAUS. Mr. RUCKELSHAUS does not believe that the May 14, 1973, issue of Time was the basis for his ordering an investigation into the so-called White House ordered 17 wiretaps. Mr. RUCKELSHAUS believes that some unrecalled magazine article did serve as such basis but noted that the May 14, 1973, Time article was too late, i.e., he had already ordered the investigation. Conversely, the above mentioned March 5, 1973, Time article was published considerably before Mr. RUCKELSHAUS was appointed as Acting FBI Director.

Mr. BAISE advised that his own recollection of the matter is that Mr. RUCKELSHAUS' desire to order an investigation was prompted by an article RUCKELSHAUS read one morning while being chauffeured to work shortly after assuming the position of Acting Director.

Mr. BAISE further advised it is possible that the article in question was from a magazine other than Time.

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by SA CHARLES W. HARVEY:cmr Date dictated 11/21/74

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FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 11/26/74

Mr. CARL EARDLEY, former Administrative Assistant to former FBI Acting Director WILLIAM D. RUCKELSHAUS, was, by prior arrangement, met and interviewed in the office of Assistant Attorney General IRVING JAFFE, Room 3607, Main Justice Building, Washington, D.C. (WDC). Mr. EARDLEY, who is currently employed as an attorney with the firm of Ruckelshaus, Beveridge, and Fairbanks, 1 Farragut Square, N.W., WDC, was advised of the official identities of the interviewing Agents and of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO). Thereafter, he furnished the following information:

During his employment under Mr. RUCKELSHAUS at the FBI, RUCKELSHUAS once mentioned to him that there had apparently been Bureau wiretaps on some newsmen. He (EARDLEY) recalled telling RUCKELSHAUS that they should "get to the bottom of it."

Mr. EARDLEY was then exhibited a Xerox copy of a memorandum, dated May 4, 1973, to Mr. FELT from WILLIAM D. RUCKELSHAUS, Acting Director, and captioned "Wiretaps on Newspapermen." Mr. EARDLEY advised that he had prepared this memorandum for Mr. RUCKELSHAUS in order that an investigation be undertaken to determine if there was any validity to news media accounts of Bureau wiretaps on newsmen and White House Staff members.

Mr. EARDLEY was asked if he knew which particular article caused Mr. RUCKELSHAUS to order the above noted investigation. Mr. EARDLEY cited his (EARDLEY's) poor memory and stated he had no way of recalling this information. Thereupon, Mr. EARDLEY was displayed a copy of the March 5, 1973, issue of Time magazine and his attention was directed to page 14 whereon appears an article entitled, "Questions About Gray." Upon observing this magazine and without reading the noted article in its entirety, Mr. EARDLEY stated that he was "positive" that it was this article which had prompted RUCKELSHAUS' inquiry into the wiretap matter.

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by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:cmr Date dictated 11/25/74

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Mr. EARDLEY was advised that an attempt was being made to locate the transcript of the March 1, 1973, morning session of the Senate Judiciary Committee's Hearings on the Confirmation of L. PATRICK GRAY, III as FBI Director. He was further advised that information had been received that the copy in question, which was the copy reviewed by the Bureau's Intelligence Division, had been given to Mr. RUCKELSHAUS. Mr. EARDLEY stated that he had no information whatsoever concerning the disposition of the transcript in question.

Mr. EARDLEY was specifically asked whether, during the transition period wherein RUCKELSHAUS assumed the Acting Directorship from GRAY, or at any other time, he (EARDLEY) was aware of any conversations wherein Bureau officials discussed the fact that GRAY may have committed perjury during his confirmation hearings with respect to the so-called White House ordered 17 wiretaps. Mr. EARDLEY stated he had no recollection of any such conversations. He noted that on one unrecalled date he wrote a memorandum to Bureau Legal Counsel JOHN MINTZ on the question of GRAY's destruction of documents, which documents had been given to GRAY by a White House official, but which had nothing to do with the issue in question.

III. Interviews of L. PATRICK GRAY's Personal Staff and Corollary Investigation

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 11/22/74

DAVID D. KINLEY, Chief, Cable Television Section, Federal Communications Commission (FCC), Room 6008, 2025 M Street, N.W., Washington, D.C. (WDC), who was formerly employed as an administrative assistant to former Acting FBI Director L. PATRICK GRAY, III, was advised of the official identities of the interviewing Agents and the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office.

SA ANGELO J. LANO exhibited to Mr. KINLEY a copy of the March 5, 1973, issue of Time magazine (page 14 and 15 of which contain an article entitled "Questions About GRAY") and an attached routing slip bearing a block stamp reflecting that this magazine was received in the FBI Director's Office on February 26, 1973, at 4:44 p.m. Mr. KINLEY's attention was directed to the upper right hand corner of the front side of this routing slip which shows a blue ink check mark in the space immediately to the right of the name "FELT." Mr. KINLEY advised that the check mark in question "looks like mine" and that the check mark probably indicates that he (KINLEY) referred the magazine directly to Associate Director W. MARK FELT as opposed to Acting Director GRAY. Mr. KINLEY further advised that Mr. GRAY may never have seen the magazine or article in question. He explained that part of his duties as an administrative assistant was to decide which news articles, periodicals, etc, would be routed to the Acting Director. In this regard, he (KINLEY) never knew the identity of the individual(s) who performed the clipping of news articles and the routing of same. On "something hot" the news clippings were sometimes routed directly to Mr. GRAY and, frequently, Mr. FELT would personally bring pertinent clippings to the Acting Director. The material which he (KINLEY) selected to be reviewed by Mr. GRAY was normally saved up until the end of a particular day. Such material was placed in a black folder which Mr. GRAY would take home with him to review that evening. In other words, Mr. GRAY never reviewed the items he (KINLEY) saved up until the end of the day.

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by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:cmr Date dictated 11/21/74

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When Mr. GRAY reviewed any news clipping or periodical, he (GRAY) would usually note the time he read it and/or would write "G III" on the article. However, it was obvious to him that GRAY did not read each and every news article which he (KINLEY) routed to him.

Mr. KINLEY continued as follows:

He (KINLEY) "must have seen" the aforementioned article on Monday, February 26, 1973, but it is possible he did not see the article until early (7:30 a.m.-7:45 a.m.) the next morning, Tuesday, February 27, 1973. His desk calendar might enable him to recall whether he first saw the article in question on February 26 or 27, 1973 but his calendar, along with his telephone logs and chron file, which were maintained by his then secretary, [redacted], have been turned over to the Watergate Special Prosecutor's Office (WSPO). In any event, he does not recall telling Mr. GRAY anything about the article in question. He does recall discussing the article with Mr. FELT and he has previously related the details of this discussion to representatives of the WSPO. He believes that it was FELT, not himself, who first mentioned the article on an unrecalled date. His (KINLEY's) response was to the effect, "Is there anything to it?" and, "If there is, I don't want to know anything about it because I'm leaving this place soon." At the time of this discussion, FELT may have had a manila folder or envelope in hand which may have, presumably, contained information relative to the White House ordered wiretaps. However, no names were mentioned, including that of [redacted]

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Concerning his (KINLEY's) activities on Monday, February 26, 1973, he recalled that he received a telephone call from JACK HUSHEN, Information Officer for the Department of Justice, wherein Mr. HUSHEN was attempting to locate Mr. GRAY. Since Mr. GRAY was in Miami, Florida, he (KINLEY) attempted to locate GRAY through KEN WHITTAKER, Special Agent in Charge (SAC) of the Bureau's Miami Field Office; however, SAC WHITTAKER was not available and he (KINLEY) spoke with SA EDDY. SA EDDY informed him that Mr. GRAY had already left and was en route to the Miami Airport. He then instructed EDDY to attempt to contact GRAY and have him (GRAY) call HUSHEN. He (KINLEY) never spoke telephonically with GRAY at Miami on the 26th. That day was a very busy one and he does not recall speaking with GRAY at any time on that day, even subsequent to the latter's return to WDC later that afternoon.

Concerning the aforementioned Time magazine article, he (KINLEY) became aware of this article before he actually saw it. Possibly, although this recollection may relate to another incident, he may have received an advance copy of Time from SA JACK HERINGTON before the regular copy arrived. He believes he was aware of the article because of various inquiries and because of the regular briefings he held each morning with HERINGTON and Inspector DAVID BOWERS. These briefings were held each morning at 8:45 a.m. and, presumably, one was held on the morning in question (February 26, 1973) at which the subject of the article "probably came up." Also, HUSHEN's call, mentioned previously, was in reference to the same Time article. Mr. KINLEY noted that by the time he saw the article in question, Mr. GRAY was already aware of same through his contact with HUSHEN.

SA LANO exhibited to Mr. KINLEY a Xerox copy of a blind memorandum, dated February 26, 1973, and captioned "New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." Mr. KINLEY stated that he had no recollection of this memorandum.

SA LANO exhibited to Mr. KINLEY two Xeroxed sheets reflecting an undated note prepared by Mr. GRAY beginning, "If Congr. does not want Pres. to intercept for reasons by nat'l. security..." and ending, "and stealing sensitive documents of the NSC is itself a grevious and harmful felony--." Mr. KINLEY stated that he did not recall having previously observed this note. He added, "I could be wrong" and, "I think I would remember it if I had."

Mr. KINLEY was then exhibited a Xerox copy of a two page memorandum dated March 13, 1973, from Legal Counsel to Mr. BAKER, and captioned "Confirmation, Authority of the President to Order Interception of White House Communications." Mr. KINLEY noted his initials on this memorandum and stated, "...therefore, I saw it and I must have seen the attachment (a reference to the previously described undated GRAY note)." He stated that he vaguely recalls the memorandum but cannot recall the attached note.

Next, Mr. KINLEY was exhibited a Xerox copy of a news clipping entitled "Data From Security Taps Reported Given LIDDY, HUNT," which appeared in the February 14, 1973, edition of The Washington Post. He was also exhibited a Xerox copy of a nine page memorandum, dated March 16, 1973,

to Mr. E. S. MILLER from T. J. SMITH and entitled, "Dissemination to the White House of National Security Information." Also, Mr. KINLEY's attention was directed to the last paragraph on page one of this memorandum which states, in part, with respect to the above mentioned news article, "The Acting Director instructed that a detailed analysis be prepared of this article..."

Mr. KINLEY furnished the following information regarding this article and memorandum:

He "thinks" he has previously seen this memorandum but, if he had, his initials would appear thereon. However, he may have seen this article during an interview with representatives of the WSPO. He has no explanation concerning the lapse of time between the date of the article and the date of the memorandum and he has no knowledge of GRAY's instructions that "a detailed analysis be prepared of this article..." He is unable to recall any discussion he had with GRAY concerning the article or memorandum in question. He noted that The Washington Post was delivered to his (KINLEY's) home and he may have read the article in this connection.

Concerning what disposition was made of the Bureau documents which were in Mr. GRAY's possession when he (GRAY) resigned as Acting Director, Mr. KINLEY stated that he was not involved in the disposition of these documents but believes that GRAY's secretary, MARGE NEENAN, upon GRAY's instructions, packed the items which GRAY desired to take with him. Mr. KINLEY further stated that on April 30, 1973, and on May 1, 1973, he (KINLEY) was too busy with his own affairs to become involved in anything else, noting that he entered a hospital for surgery on May 2, 1973. In this same regard, Mr. KINLEY stated that he does not know what role, if any, CHUCK LICHENSTEIN played in the removal of GRAY's property and Bureau papers.

Concerning the disposition of GRAY's copy of the transcripts of the Confirmation Hearings Before the Senate Judiciary Committee, Mr. KINLEY stated that Mr. BAKER was "farming out" copies of the transcripts but he (KINLEY) does not know what happened with GRAY's copy. He noted that he (KINLEY) had one copy of same but that he does not know what happened to it. He also stated that he does not know what happened to the various memoranda dealing with Mr. GRAY's testimony which were prepared by various Bureau

personnel other than "they came back" from GRAY's office.

Concerning when he first learned that MORTON HALPERIN had been the subject of a direct Bureau wiretap and that DANIEL ELLSBERG had been overheard on the HALPERIN tap, Mr. KINLEY stated that he learned of neither of these developments until subsequent to his departure from the Bureau and then only through the press.

Concerning Mr. FELT's conferences which he (KINLEY) attended, he does not recall any conversations at these conferences regarding the White House ordered wiretaps nor regarding any of the news articles concerning same. He (KINLEY) attended the "investigative side" of FELT's conferences while another administrative assistant, "MAC" ARMSTRONG, attended the "administrative side." WASON CAMPBELL served as FELT's number one man at the investigative conferences and may have taken notes at these conferences. FELT's number one man at the administrative conferences may have been HAROLD BASSETT but CAMPBELL may have attended the administrative conferences also.

Mr. KINLEY indicated that there was an air of suspicion on the part of senior Bureau officials with respest to him (KINLEY), an "outsider," being present at these conferences. In view of this, he indicated that he doubted if anything sensitive would be discussed in his presence.

Concerning Mr. GRAY's confirmation hearing testimony to the effect that he had checked the Bureau's electronic surveillance indices and was unable to locate any records which reflected that newsmen and White House staff members had been the subjects of any Bureau wiretaps, Mr. KINLEY provided the following additional information:

He recalled that one day during the confirmation hearings, GRAY either said that he was going to check the records or that he had already checked them. His (KINLEY's) knowledge that certain records were brought to GRAY's office, presumably by Assistant Director EDWARD S. MILLER, was derived from an interview with representatives of the WSPO.

Concerning a "mislaid" envelope containing a one page memorandum from FELT outlining the White House wiretap project, which GRAY claims he discovered in a "pending" box on his desk subsequent to his confirmation hearings, Mr. KINLEY stated that

his only knowledge of this envelope was obtained by him when he was interviewed by the WSPO. In the same general regard, Mr. KINLEY furnished the following additional information:

Mail outgoing from GRAY's office was presumably picked up from GRAY's "out" box by MARGE NEENAN or by ERMA METCALF and was thereafter put into the regular Bureau mail channels. It was his (KINLEY's) general impression that it was not at all unusual for FELT to take things in the back door of GRAY's office. He knows this to be a fact because, on occasion, GRAY would route memoranda, etc, to him (KINLEY), which memoranda normally would come have come across KINLEY's desk before being forwarded to GRAY's office, but which memoranda, etc, had obviously been taken directly to GRAY by FELT. Furthermore, FELT had a key to the back door of GRAY's office and could enter therein undetected by those individuals in the outer office. Mr. KINLEY noted that this might explain why his initials do not appear on the previously mentioned SMITH to MILLER memorandum, dated March 16, 1973, entitled "Dissemination to the White House of National Security Information." He also noted that the material he observed coming from GRAY's office, which material had been personally delivered by FELT, was never contained in an envelope.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/2/74

Date of transcription

DANIEL M. ARMSTRONG, Attorney, Federal Communications Commission, 1919 M Street, N.W., Room 616, was interviewed at his office by the below identified Agents. ARMSTRONG was advised that the interview was being conducted at the request of the Watergate Special Prosecutor's Office (WSPO) and would center upon his knowledge of the 17 White House ordered wiretaps and additionally that he would be shown certain documents in an effort to determine whether these particular documents were reviewed or displayed to former Acting Director LOUIS PATRICK GRAY, III.

At the outset of the interview, ARMSTRONG advised he became associated with the Federal Bureau of Investigation on or about May 11, 1972. He was an assistant to LOUIS PATRICK GRAY, III in the Civil Division of the Department of Justice. While serving as an assistant to GRAY in the FBI, ARMSTRONG acted as a liaison man between GRAY and the Investigative Divisions of the FBI.

ARMSTRONG was shown a copy of Time magazine dated March 5, 1973, and an article contained therein on page 4 captioned "The Administration: Questions About Gray." He was asked if he could recall the first time he either read or heard about this particular article and whether or not he had any information that the article was displayed to or handcarried to Mr. GRAY. ARMSTRONG advised he recalled reading the article but is not sure if this particular magazine was actually viewed by Mr. GRAY. ARMSTRONG said he has a vague recollection regarding this particular article and believes that he may have heard an oral conversation about it, earlier on the date in which the magazine first appeared on the newsstand.

ARMSTRONG explained that all magazines and newspaper articles of interest to the Acting Director were normally first received by [redacted] and/or [redacted] both secretaries at that time in the office of the Acting Director. These two women would scan the articles and then

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Interviewed on 11/19/74 at Washington, D.C. File # WFO 74-293

by SAs ANGELO J. LANO and CHARLES W. HARVEY AJL:cmr Date dictated 11/25/74

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they would be routed down to DAVID KINLEY's office. ARMSTRONG's attention was then directed to a routing slip stapled to the inside cover of the Time magazine article. In particular, his attention was drawn to a blue ink check mark opposite the name of "FELT". He was then asked if he could identify the person in Mr. GRAY's Office who used blue ink. ARMSTRONG said that DAVID KINLEY, Chief Administrative Aide to Mr. GRAY, usually saw all mail coming and going from GRAY's office. Whenever KINLEY was off on annual leave or sick leave, ARMSTRONG would replace him. To the best of his recollection, KINLEY did use blue ink. ARMSTRONG added that IRMA METCALF and MARGE NEENAN, secretaries in the office of the Director, could also "check" mail out but he has no recollection as to whether or not they used blue ink.

ARMSTRONG was asked if he had an opportunity to discuss the above described article with Mr. GRAY during the weekend of February 23 through February 26, 1973. ARMSTRONG said he did recall that GRAY was out of town during that particular weekend and he is positive he did not speak to him at all. He said it was his recollection that he did not speak to Mr. GRAY until Tuesday or Wednesday of the following week.

ARMSTRONG was then asked if he had received any telephone calls that weekend from Mr. GRAY, Mr. W. MARK FELT, then the Associate to the Acting Director, the White House or anyone within the Department of Justice concerning this particular story. ARMSTRONG said he did not.

ARMSTRONG's attention was then called to a March 13, 1973, memorandum from the Legal Counsel to Mr. BAKER, captioned "Confirmation: Authority of the President to Order Interception of White House Communications." Specifically, ARMSTRONG was shown an undated note from Mr. GRAY which begins "If Congress Doesn't Want, etc." ARMSTRONG advised he believes he was shown this memorandum by the WSPO, and as he told them, prior to that interview, he had not seen the memorandum. He was reminded that on the previous day, March 12, 1973, he attended a luncheon with then Assistant Directors RICHARD BAKER, JOHN MINTZ, Mr. GRAY and other staff aides. He was asked if he recalled any discussion taking place about this note or whether or not this note was passed to either MINTZ or BAKER during the luncheon. ARMSTRONG replied he had no recollection of such a discussion or seeing the note on that date.

ARMSTRONG was asked if all newspaper items that were clipped within the Bureau Headquarters, were routed to the office of the Director. He replied that articles from The Washington Post, New York Times, and The New York Daily News were clipped and sent into the office of the Director, however, DAVID KINLEY decided on what particular items went into Mr. GRAY.

ARMSTRONG was asked if he could recall the first time he discussed the White House ordered wiretaps with GRAY. He then provided the following additional information:

The first time he calls that the subject of the special wiretaps came up between himself and GRAY was at noon on the second day of the confirmation hearings, Thursday, March 1, 1973. He (ARMSTRONG) had not been present at the morning session on that date but GRAY related to him the general nature of the morning session, including the fact that the subject of wiretaps had been broached. He cannot recall for certain, but GRAY may have said he was going to "check the records" to determine if the Bureau had instituted any wiretaps on newsmen at the request of the White House.

On another day during the hearings, exact date not recalled, but sometine in mid-March, GRAY, ARMSTRONG, and Ms. BARBARA HERWIG, were lunching together when the subject of wiretaps came up again. GRAY reiterated that he knew nothing concerning any such wiretaps whereupon ARMSTRONG and HERWIG told him that they knew through "grapevine sources" that some secret wiretaps had existed. GRAY's response was to the effect, "Well, by God, I found no record of it." ARMSTRONG was asked if, to the best of his best of his recollection, he could recall challenging Mr. GRAY on how he was able to check the records without a specific name. ARMSTRONG replied he did not challenge Mr. GRAY on that aspect of the discussion nor did Mr. GRAY volunteer that anyone had assisted him in making the check.

ARMSTRONG was next asked if he attended weekly conferences in the office of W. MARK FELT. ARMSTRONG said he attended the investigative conferences held by FELT on Monday mornings. Mr. FELT had an administrative conference later in the day which DAVID KINLEY attended. His attention was directed to the February 26, 1973, Time magazine article and he was asked if he had any recollection as to whether or not this article was the subject of a discussion at the February 26, 1973, FELT conference. ARMSTRONG said he does

not recall such a discussion taking place and added that since he was an outsider, he was certain there were matters which FELT did not wish to discuss in his, ARMSTRONG's, presence. ARMSTRONG then stated that during the confirmation hearings on LOUIS PATRICK GRAY, there were weekly meetings in FELT's office. He recalled one particular instance where FELT told him that he, FELT, had been reading the transcripts and it appeared that Mr. GRAY was enjoying himself on the "give and take" and was getting better as time went on.

ARMSTRONG was next asked if he could recall what disposition was made of Mr. GRAY's files when he left the Bureau on April 27, 1973. He stated it was his recollection that on or about April 30, 1973, MARGE NEENAN, GRAY's secretary, packaged up all material that GRAY desired to take with him. Sometime later, he learned from an unrecalled person, that Bureau Supervisor CHARLES NUZUM may have removed documents from the safe then located in the Director's office.

ARMSTRONG continued by stating that on the first or second Tuesday after GRAY's resignation, he received a telephone call from GRAY who informed him that there were two Central Intelligence Agency (CIA) memorandums that [redacted] had given to GRAY and he, GRAY, wanted them back. ARMSTRONG said he spoke to Assistant Director LEONARD WALTERS about this and he in turn may have spoken to one of the aides to Mr. RUCKELSHAUS. In any event, the request to obtain the documents was refused. b3 b7E

ARMSTRONG was next asked if he received daily transcripts of GRAY's testimony before the Senate Judiciary Committee. ARMSTRONG said at that time his responsibility was to insure that any insert into the record promised by GRAY was in fact turned over to the committee. He was not a regular recipient of transcripts nor did he seek them out.

ARMSTRONG was asked if he would identify the individual, alluded to above as a "grapevine source," who told him that secret wiretaps had been operated by the Bureau for the White House. ARMSTRONG said he would do this and added that his only commitment to the individual was that he would not reveal this person's name before a Grand Jury. ARMSTRONG said the person who was giving him information was "BUCK" REVELL who at that time was assigned to the Inspection Division of FBI Headquarters.

ARMSTRONG was asked if he could recall when he first heard of the DANIEL ELLSBERG overhear. ARMSTRONG replied that although he could not be certain when he first heard of the DANIEL ELLSBERG overhear, he has a vague recollection that his knowledge of same dates back to the time of the "KEITH" decision, but again he emphasized he is not certain of this. He did, however, emphasize the fact that it was not until sometime after leaving the FBI that he became aware of the identities of all persons involved in the secret wiretaps.

ARMSTRONG was shown a Washington Post article, dated February 14, 1973, captioned, "Data From Security Wiretaps Reported Given Liddy and Hunt." He was also shown a copy of a memorandum from THOMAS J. SMITH to E. S. MILLER, dated March 16, 1973, captioned "Dissemination to the White House of National Security Information." ARMSTRONG said that, to the best of his recollection, he had not seen the March 16, 1973, memorandum prior to today's interview. With respect to the newspaper story attached to it, he said it is possible he read it at some point, but could not now recall the circumstances. He also said he had no recollection of discussing this particular news article with Mr. GRAY.

ARMSTRONG was asked if he recalled working the weekend of March 10 and 11, 1973. He replied that although he has no specific recollection of doing so, he could have since it was about that time that the GRAY confirmation hearings were "heating up".

ARMSTRONG was shown a copy of a memorandum, dated February 26, 1973, captioned "RE: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." ARMSTRONG was asked if he recalled seeing or hearing of this memorandum about that time in question. ARMSTRONG said he first became aware of this memorandum during his interview by the assistants at the WSPO. Although he has no direct knowledge as to whether or not GRAY saw this memorandum, he understood from the Special Prosecutor's Office that it may have been placed in Mr. GRAY's incoming mailbox. In any event, ARMSTRONG said he does not recall ever having discussed this memorandum with Mr. GRAY, Mr. KINLEY or BARBARA HERWIG.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/10/74

Date of transcription

DANIEL M. ARMSTRONG, Attorney, 1919 M Street, N.W., was telephonically contacted by SA ANGELO J. LANO and asked if he could clarify a statement he previously made to Agents when he was last contacted. He was advised that it concerned his statement of response to LOUIS PATRICK GRAY, III, that "his (ARMSTRONG's) source confirmed BARBARA HERWIG's source."

ARMSTRONG responded as follows:

To the best of his recollection it was during the time of a luncheon with HERWIG and GRAY, about mid-March, 1973, that HERWIG said to GRAY, her sources say there were "wiretaps" as described in the hearings. At that same time ARMSTRONG said he spoke up and informed GRAY that his source also confirmed the story. ARMSTRONG said he felt as though he (ARMSTRONG) was repeating himself. He said he believes he had previously mentioned this information again at lunch, but perhaps around March 1, 1973. He further attempted to describe how he first might have mentioned the "wiretap" situation to GRAY by stating his "grapevine" source contacted him during the weekend that the article (Time magazine) came out. His recollection is that it was shortly after this, that he "passed it on" at lunch.

Interviewed on 12/3/74 at Washington, D.C. File # WFO 74-293

by SA ANGELO J. LANO:cmr Date dictated 12/9/74

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FD 302 (REV. 11-27 70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/12/74

The following information is provided at the request of the Special Prosecutor.

In February of 1973, after returning from an inspection trip to Savannah, Ga., I telephonically contacted Mr. DANIEL M. ARMSTRONG, a personal and family friend, who was at that time a Special Assistant to Acting Director L. PATRICK GRAY. I invited ARMSTRONG to my home for dinner, and we generally discussed how Mr. GRAY's confirmation hearing was going. He stated that Senator KENNEDY was giving Mr. GRAY some problems on whether or not the FBI had been involved with wire tapping of 17 White House Aides and news media representatives. Mr. ARMSTRONG stated that Mr. GRAY had testified that he had checked Bureau records and found no record of any such wire taps. I advised Mr. ARMSTRONG that I had read about this in a "Time Magazine" article and hoped that Mr. GRAY was being leveled with, because the word around the Bureau grapevine was that we had probably been involved in the wire taps. I also recall stating that Mr. GRAY had been seen personally checking the electronic indices at FBIHQ, so apparently there was nothing on the record of any Bureau wire taps. We briefly discussed the fact that if the White House had ordered such wire taps to stop leaks about the SALT Talks, then it would seem that such taps would be legal (at that time). We had no further discussion regarding that subject.

In March of 1974, I received a telephone call from Mr. ARMSTRONG during which he advised that a Mr. JAY HOROWITZ of the Special Prosecutor's office had called him in to question him regarding possible knowledge by Mr. GRAY of the 17 wire taps. Mr. ARMSTRONG stated he advised HOROWITZ that the only time he had discussed this matter with Mr. GRAY was sometime in March, 1973, after GRAY had testified. He (ARMSTRONG) and GRAY's other two assistants (HERWIG and KINLEY) were discussing the confirmation hearing when HERWIG brought up the subject of the 17 wire taps. She told GRAY that an Assistant Director had advised her that the Bureau had been involved. ARMSTRONG said he also had heard on the "grapevine" that the Bureau was probably involved. According to ARMSTRONG, this was his only comment

Interviewed on _____ at Tampa, Florida File # WFO 74-293

by SA OLIVER B. REVELL, III :em Date dictated 12/12/74

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to GRAY regarding the wire taps. HOROWITZ asked ARMSTRONG where his information had come from, and he told HOROWITZ that it came from SA OLIVER B. REVELL, but was strictly hearsay. This was the first that I knew that my remark had ever been repeated. In fact, I did not even recall the conversation until ARMSTRONG reminded me of the time frame involved. ARMSTRONG advised me that Mr. HOROWITZ would probably call me to confirm his (ARMSTRONG's) recollection.

Approximately two or three days later, Mr. JAY HOROWITZ of the Special Prosecutor's office called me. I recall it was at home on a Sunday afternoon. He asked me if he could come by to see me in relation to a conversation with Mr. ARMSTRONG. I advised that I lived approximately 20 miles from Washington, D. C., in Fairfax County. He then asked if I could stop by and see him at my convenience. I went to see Mr. HOROWITZ during lunch about three days later. A Mr. FRANK MARTIN was also there at the time. Both HOROWITZ and MARTIN asked questions concerning my conversation with Mr. ARMSTRONG. I told them exactly what I could recall. They also wanted to know if I had any specific knowledge of the alleged wire taps, and if I had ever spoken to Mr. GRAY about them. I advised them that I had no knowledge of these wire taps, that I had never even met Mr. GRAY, and the only thing I had told Mr. ARMSTRONG was that there were some general rumors that the Bureau had been involved. They asked me the source of these rumors, and I advised that I had absolutely no recollection of where I heard this information, but at the time, it was a topic of general conversation between Bureau Agents, and that I never expected or intended for my conversation with Mr. ARMSTRONG to be repeated to Mr. GRAY, since it was just non-specific hearsay.

Mr. HOROWITZ asked that I keep this conversation confidential. I advised him that in the event that I was formally interviewed or required to give a formal statement, deposition, or appear before any type of hearing, I would have to make it a matter of record with the Bureau. He said he understood this, but at the present time, desired that our conversation remain confidential.

I heard nothing further on this until approximately two weeks ago when Mr. ARMSTRONG telephonically advised me that he had been reinterviewed regarding this and other matters relating to Mr. GRAY's confirmation hearing by two

Washington Field Office Agents working for the Special Prosecutor's office. They asked him the basis for his statement to Mr. GRAY about the Bureau possibly being involved in the wire taps, and he told them of our conversation. I asked ARMSTRONG if he emphasized to the Agents that I had no specific information and had only been discussing the matter with him in relation to Mr. GRAY's overall confirmation problems. ARMSTRONG indicated that he had told the Agents that I had no specific information.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/9/74

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Mrs. MARGE NEENAN was interviewed in the Office of Mr. DAVID McDONALD, Assistant Secretary, Enforcement Division, United States Treasury Department, where she is employed as a confidential secretary. Mrs. NEENAN was advised of the identities of the interviewing Agents and of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO).

Mrs. NEENAN advised that she was formerly the personal secretary to LOUIS PATRICK GRAY, III, during the time that he served as Acting Director of the Federal Bureau of Investigation (FBI). She further advised that prior to serving with Mr. GRAY in the FBI, she worked under him for 18 months in the Civil Division, United States Department of Justice and one year in the Department of Health, Education and Welfare.

With regard to the disposition of the documents and materials in the safes located in the Office of the Director, FBI, at the time that Mr. GRAY resigned, Mrs. NEENAN stated that these documents were removed to the Office of W. MARK FELT on his instructions. Mrs. NEENAN noted that there were two safes in the Director's office, one located in the office in which she sat and one located in the hallway leading into Mr. GRAY's personal office. Mrs. NEENAN recalls that on the day that Mr. GRAY resigned, she received a telephone call from W. MARK FELT who instructed her to remove all FBI documents from the two safes to his office by that evening. Mrs. NEENAN recalls that two FBI clerks removed the documents from the safes and transferred them to Mr. FELT's office. She does not recall the identities of the clerks who handled this assignment, but she does recall that by the time the documents were moved to Mr. FELT's office, he had gone home for the evening. Mrs. NEENAN recalls that the Office of the Director was thereafter secured by a clerk on the night security force at FBI Headquarters. Mrs. NEENAN further noted that the documents were physically removed from the safes and taken to Mr. FELT's office rather than having the safes containing the documents moved from the Director's office.

Interviewed on 12/3/74 at Washington, D. C. File # WFO 74-293

by SAs DENNIS F. HOFFMAN and ANGELO J. LANO DPH:lmc Date dictated 12/6/74

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Mrs. NEENAN noted that in addition to the safes containing official FBI documents, Mr. GRAY also had cabinets in which were maintained documents of a personal nature such as a scrapbook and a file of thank-you letters, etc. All of the documents and material in these cabinets were personal in nature and nothing in those cabinets had any semblance of being an official document. These materials were boxed after Mr. GRAY's resignation and approximately one month after the resignation one of his sons came to Washington, picked up these personal items, and returned them to Connecticut.

To the best of Mrs. NEENAN's recollection, nothing in the safes or the cabinets was inventoried at the time that Mr. GRAY resigned. Subsequent to Mr. GRAY's resignation, ERMA METCALF and [redacted], did prepare an inventory of the memorabilia which decorated the Director's office during Mr. GRAY's tenure. b6 b7C

Mrs. NEENAN stated that Mr. GRAY did not take anything with him from the Director's office on the day that he resigned. She did note that subsequent to his resignation she sent him his desk calendar that she maintained for him as well as the logs from the Director's office which he requested from her subsequent to his resignation.

In addition to the personal documents, logs and calendar relating to his tenure as Acting Director of the FBI, she also sent to Mr. GRAY in Connecticut files that he had maintained from his service in the Civil Division, U.S. Department of Justice, which had never been removed from the boxes in which they were packed during the time that he was Acting Director of the FBI.

With regard to the flow of mail within Mr. GRAY's office, Mrs. NEENAN stated that ERMA METCALF handled all correspondence relating to official FBI business. Mrs. NEENAN pointed out that she was Mr. GRAY's personal secretary and that her duties did not include the handling of documents relating to the day to day operations of the FBI. Mail that went into Mr. GRAY's office from METCALF would be placed in folders and taken into Mr. GRAY's office by FBI clerks. Mr. GRAY would usually return this mail in folders just as it had gone into his office. Mrs. NEENAN stated that not all mail that went into Mr. GRAY's

office was in folders but that all of the mail which came from ERMA METCALF did. Documents such as wiretap requests were handled by ERMA METCALF. Mrs. NEENAN again reiterated that the flow of official FBI mail within the Director's office was not within the scope of her duties and that she had nothing to do with this mail with the exception of once in a while taking mail from the "out" box in Mr. GRAY's office if she happened to be in there and placing it on ERMA METCALF's desk when she left Mr. GRAY's office.

Mrs. NEENAN was shown a copy of the March 5, 1973, issue of Time magazine and her attention was directed to a routing slip stapled to the inside of the front cover of the magazine. The reverse side of this routing slip bears a stamp indicating that the magazine was received at the Office of the Director, FBI, on February 26, 1973, at 4:44 p.m. After viewing the routing slip, Mrs. NEENAN stated that the fact that this magazine was received at the Director's office does not necessarily mean that Mr. GRAY ever saw the magazine. She noted that the check mark next to the name "FELT" was most probably made by IRMA METCALF in order that the magazine would be routed to Mr. FELT's office. Mrs. NEENAN further noted that the "F" next to the name "FELT" appears to have been made by Mr. FELT. Again referring to the routing slip, Mrs. NEENAN stated that there is no indication that Mr. GRAY ever saw this copy of the March 5, 1973, issue of Time magazine. She noted that Mr. GRAY had a habit of initialing everything that he saw and the fact that his initial does not appear on the routing slip indicates to her that Mr. GRAY did not see the magazine.

Mrs. NEENAN stated that she cannot recall that magazines ever went into Mr. GRAY's office except in the case of some very special article. Routinely, magazines which came into the Director's office were reviewed closely by [redacted]

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Mrs. NEENAN's attention was directed to an article in the March 5, 1973, issue of Time magazine entitled "The Administration Questions ABout Gray". After reviewing this article, Mrs. NEENAN stated that the article is important enough that it should have gone into Mr. GRAY's office. However, she again reiterated that the fact that Mr. GRAY's initials do not appear on the routing slip indicates to her

that he did not see this magazine.

Mrs. NEENAN was shown a Xerox copy of a memorandum dated March 6, 1973, entitled "Personal Reminder for Mr. Gray." After viewing this memorandum, Mrs. NEENAN stated that she had never seen anything like that previously.

Mrs. NEENAN was shown a copy of a four page memorandum dated February 26, 1973, entitled "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." After viewing this document, Mrs. NEENAN stated that she had never seen the original or a copy of that document previously.

Mrs. NEENAN was asked if she has any recollection that she worked on the weekend of February 23-26, 1973, during which time Mr. GRAY was in Florida. Mrs. NEENAN stated that she recalls Mr. GRAY making this trip to Florida inasmuch as she (NEENAN) had [redacted] make arrangements for Mr. GRAY and his wife to stay at Marco Island, Florida, the weekend of February 23-26, 1973. However, she has no recollection that she worked on that weekend or that she received any telephone calls from anyone relative to Mr. GRAY's whereabouts and itinerary. b6 b7C

Mrs. NEENAN stated that she recalls that Mr. and Mrs. GRAY went to Marco Island, Florida, the weekend after his name had been announced as being the nominee for the position of permanent Director of the FBI. She further recalls that sometime subsequent to this trip to Florida, Mrs. GRAY told her that JACK HUSHEN had called Mr. GRAY while she and Mr. GRAY were at Miami Airport waiting to board the plane to return to WDC. Mrs. GRAY told her that the call from HUSHEN was urgent and that she (Mrs. GRAY) was afraid that she and Mr. GRAY would miss their plane to Washington, D. C. (WDC), because of the telephone call. Mrs. NEENAN does not recall when this conversation with Mrs. GRAY took place.

Mrs. NEENAN noted that Mr. GRAY would often have thank-you notes directed to various people who had assisted him on his trips and that it is possible that a thank-you note may have been written to the Special Agent who drove the car while he was in Florida and to other Agents who may have assisted him.

Mrs. NEENAN was shown a Xerox copy of a two page undated handwritten note prepared by Mr. GRAY. After viewing

this note, she stated that she had never seen it before.

Mrs. NEENAN noted that Mr. GRAY made notes of almost every conversation he had with anyone, whether telephonic or personal and that following the conversation he would throw the notes in his desk. On occasion, she would clean out his desk and bundle up the notes which had accumulated. She recalls that following his resignation, she bundled up notes which she found in his desk and sent them to Mr. GRAY.

In response to a question, Mrs. NEENAN stated that she did not read or review any of the transcripts of the hearings held relative to Mr. GRAY's confirmation as FBI Director. She stated that she did sit in on three or four meetings held in Mr. GRAY's office after various sessions of the hearings wherein questions would be drawn up to be given to Assistant Director RICHARD D. BAKER for response. She stated that she would type up these questions and give them to BAKER. Mrs. NEENAN does not recall if she maintained a file on the confirmation hearings but if she did then a copy of the questions which she typed should be in that file.

Mrs. NEENAN was asked if she had any information concerning an envelope bearing the black ink handwriting of Mr. FELT, addressed "For Mr. GRAY" or "For the Acting Director", which Mr. GRAY discovered some time after March 22, 1973, in a "pending" box behind his desk which had been previously mislaid. Mrs. NEENAN stated that she has no recollection of any such envelope.

Mrs. NEENAN further noted that if Mr. FELT had something for Mr. GRAY he would often go into Mr. GRAY's office through the back door to which he (FELT) had a key. She noted that Mr. FELT had free access to Mr. GRAY's office whether through the front door or the back door.

Regarding the physical layout of Mr. GRAY's office, Mrs. NEENAN stated that one set of boxes located behind Mr. GRAY's desk was for pictures that were to be autographed and for material that Mr. GRAY had put off and not gotten around to reading.

Mrs. NEENAN was shown a Xerox copy of a memorandum dated March 16, 1973, to Mr. E. S. MILLER from T. J. SMITH

entitled "Dissemination to the White House of National Security Information." Mrs. NEENAN's attention was directed to page two of the above described memorandum and to several vertical black lines which are drawn next to the first paragraph. Mrs. NEENAN stated that Mr. GRAY would sometimes make marks similar to those with a felt-tip pen. However, she feels that if Mr. GRAY had made these marks he would have initialed the memorandum inasmuch as he always initialed anything that he read.

Mrs. NEENAN's attention was also directed to page six of the above described memorandum wherein a long vertical black line appears next to the first paragraph. Mrs. NEENAN stated that this vertical line does not look like those made by Mr. GRAY. She further stated that if Mr. GRAY had read the above described memorandum it would be marked up a lot more than it is inasmuch as he had a habit of making notations on everything that he read. Mrs. NEENAN stated that it is her belief that this memorandum probably only got as far up the FBI chain of command as Mr. FELT. She noted that there were a lot of documents circulated within the upper levels of the FBI which never got to Mr. GRAY.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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12/18/74

Date of transcription

Mr. CHARLES M. LICHENSTEIN, Special Assistant to the President, was interviewed in his office located in the West Wing of the White House. After being advised of the official identities of the interviewing Agents and the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO), Mr. LICHENSTEIN furnished the following information:

He has previously been interviewed on two separate occasions by representatives of the WSPO [redacted] however, he will be glad to answer any additional questions. b3

He has been a long time friend of Mr. GRAY's and, although it was never actually discussed with Mr. GRAY, it was implied that he (LICHENSTEIN) might become employed by the Bureau should GRAY be confirmed as Director. On or about February 16, 1973, GRAY called him and told him he was going to need his assistance in connection with the then upcoming confirmation hearings. At that time, he (LICHENSTEIN) was working for DEAN BURCH at the Federal Communications Commission (FCC) and BURCH permitted him to go to the FBI "on loan" although he remained on FCC's payroll.

Concerning the disposition of any Bureau material in Mr. GRAY's office when he resigned from the Bureau on April 27, 1973, Mr. LICHENSTEIN provided the following information:

His (LICHENSTEIN's) mother had died in Schenectady, New York, on the previous night (April 26, 1973) and, at approximately 2:00 a.m. on April 27, 1973, he received a telephone call from DAVID D. KINLEY, one of GRAY's administrative assistants, who told him that the "rumors" turned out to be true and that a matter of great seriousness was involved. KINLEY, who did not elaborate on the nature

Interviewed on 12/13/74 at Washington, D.C. File # WFO 74-293

by SAs CHARLES W. HARVEY and [redacted] CWH:cmr Date dictated 12/14/74 b6 b7C

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of these rumors, requested LICHENSTEIN to stop by FBI Headquarters (FBIHQ) early that same morning. LICHENSTEIN complied with this request and, upon arrival at FBIHQ, he attended a series of conferences with Mr. GRAY, KINLEY and Associate Director W. MARK FELT. When a decision was reached that GRAY was going to submit his resignation, GRAY asked LICHENSTEIN to assist him in preparing his statement of resignation. LICHENSTEIN so assisted GRAY for approximately 15 minutes, dictated the statement to GRAY's secretary, MARGE NEENAN, and, thereafter, GRAY approved same. At approximately 11:00-11:30 a.m. on the same day, he (LICHENSTEIN) gathered up some of his own personal property at the Bureau and, after a lunch at GRAY's conference table with GRAY, KINLEY, DANIEL ARMSTRONG, and Ms. BARBARA HERWIG, he (LICHENSTEIN) was driven to his Capitol Hill home by chauffeur [redacted] b6 b7C subsequently drove him to the airport where he boarded a plane to Schenectady, New York, to make arrangements for his mother's funeral.

He (LICHENSTEIN) did not return to Washington, D.C. (WDC) until the following Tuesday. At that time, he visited FBIHQ and picked up the remainder of his personal possessions from the office of [redacted] On this occasion, he does not believe he even entered the Director's suite. In any event, he (LICHENSTEIN) has no direct personal knowledge concerning what occurred at FBIHQ subsequent to approximately 12:45 p.m. on April 27, 1973, and he had no involvement whatsoever in the disposition and/or removal of any documents in GRAY's possession when GRAY resigned. b6 b7C

Mr. LICHENSTEIN was advised that, at the request of the WSPO, an attempt was being made to locate the copy of the transcript of Mr. GRAY's confirmation hearings before the Senate Judiciary Committee for the morning session of March 1, 1973, which copy had been reviewed by the Bureau's Intelligence Division (Division Five). Mr. LICHENSTEIN stated that his only connection with the transcripts of the confirmation hearings was from the standpoint of editing a "master copy" of same. He does not believe that he ever observed any of the copies of the transcripts which were sent to the various divisions within the FBI, but, if he did, it would have been a copy from the Office of Planning and Evaluation (OPE) which was headed by RICHARD D. BAKER, certainly not a copy from Division Five, noting that BAKER's division was concerned with handling the inserts to GRAY's testimony.

Mr. LICHENSTEIN was asked whether he had heard any discussions among Bureau officials, during or subsequent to GRAY's confirmation hearings, to the effect that GRAY, with respect to the so-called White House ordered wiretap issue, had committed perjury in answering questions before the committee. Mr. LICHENSTEIN replied in the negative, adding that he had never heard Mr. GRAY mention anything which would suggest that he (GRAY) was concerned about the possibility of perjury.

Mr. LICHENSTEIN's attention was directed to the "skull" sessions which GRAY reportedly held in the afternoons during the period the confirmation hearing were in progress. He was asked whether there was ever any discussion relative to an article appearing in the March 5, 1973, issue of Time magazine which article concerned the aforementioned White House ordered wiretaps. In this regard, Mr. LICHENSTEIN provided the following additional information:

He was not present at the skull sessions which were held during the week ending February 24, 1973. However, he (LICHENSTEIN) discussed the article in question with GRAY's personal staff and they indicated they had no knowledge of the wiretaps alluded to in the article. GRAY, at an unrecalled lunch or meeting, stated that, with respect to the wiretaps in question, he had asked JACK HUSHEN to check Departmental Records and that he (GRAY) had caused Bureau records to be checked with negative results. Therefore, he (LICHENSTEIN) had reason to believe that there had been a thorough and elaborate check of the appropriate records. There was the "notion" that Mr. HOOVER, who had "operated in strange and mysterious ways," may have been associated with some secret type wiretaps unbeknownst to top Bureau officials. He (LICHENSTEIN) is unable to recall any specific discussion with GRAY concerning the White House ordered wiretaps.

Mr. LICHENSTEIN was specifically asked whether he had been present at any executive conference or meeting where Mr. GRAY, without necessarily referring to the White House ordered wiretaps, stated to the effect, "I lied before a Congressional Committee to protect the FBI." In response to this question, Mr. LICHENSTEIN furnished the following information:

He was once present at a lunch, date not recalled, with Mr. FELT, Assistant Director "BUCKY" WALTERS, Assistant

Director ED MILLER, Mr. (first name not recalled) CLEVELAND, and, possibly, Assistant Director BOB GEBHARDT wherein the Bureau's security and intelligence operations were discussed. Specifically, a discussion was had concerning "how an operation like ED MILLER's (Division Five) can fit into an investigatory agency;" whether such an operation should be separate from the investigative side of the Bureau; and how data from such an operation should be handled. It was in the "air" of such a conversation that someone, not necessarily GRAY, may have said that "it might be necessary to lie" if questioned about such operations. He (LICHENSTEIN) has no specific recollection that such a statement was made, but if same was made, it was not made in a literal sense, and it did not necessarily pertain to the then ongoing confirmation hearings.

WFO 74-293

IV. Investigation Concerning Mr. GRAY's Visit to Marco Island, Florida, During the Weekend of February 23-26, 1973

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/19/74

1

Special Agent in Charge (SAC) KENNETH W. WHITTAKER, Miami Division, Federal Bureau of Investigation (FBI), was interviewed at the Miami Division, FBI. He was advised of the identity of the interviewing Agents and the nature of the inquiry being conducted at the specific request of the Watergate Special Prosecutor's Office (WSPO).

With regard to a visit to Florida by then Acting FBI Director and Mrs. L. PATRICK GRAY, III, the weekend of February 23 through 26, 1973, SAC WHITTAKER recalls that Mr. GRAY telephonically contacted him prior to that weekend and told him that he (GRAY) wanted to get away some place where he could review and study his notes for his upcoming confirmation hearings relative to his appointment as permanent Director of the FBI. Reservations were thereafter made for Mr. and Mrs. GRAY at Marco Island, Florida.

SAC WHITTAKER recalled that he met Mr. and Mrs. GRAY at Miami International Airport on February 23, 1973, along with Special Agent (SA) LEO MC CLAIREN and possibly SA [redacted]. To the best of his recollection, he (WHITTAKER) did not accompany Mr. and Mrs. GRAY to Marco Island, but returned to the Miami Division after GRAY's arrival. b6 b7C

SAC WHITTAKER was unable to specifically recall whether he went to Marco Island, Florida, on February 26, 1973, to pick up Mr. and Mrs. GRAY and take them to the Miami International Airport for their return flight to Washington, D. C. (WDC). Thereafter, during the course of the interview, SAC WHITTAKER had his secretary, [redacted] obtain his number three registers for February 23 through 26, 1973. b6 b7C

SAC WHITTAKER's number three register for February 23, 1973, indicates that at 2:25 p.m. on that date he left the Miami Office of the FBI to meet Mr. GRAY at the airport.

SAC WHITTAKER's number three register for February 26, 1973, indicates that at 7:45 a.m. he left the Miami ~~FBI Office to travel to Marco Island to escort Mr. GRAY to~~

Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SAs DENNIS F. HOFFMAN and CHARLES W. HARVEY DFH:lmc Date dictated 12/18/74

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the airport.

After viewing his number three register for that date, SAC WHITTAKER stated that he now recalls that he did travel to Marco Island, Florida, on February 26, 1973, to escort Mr. and Mrs. GRAY to the airport for their return flight to WDC. It is his recollection that he and SA LEO MC CLAIREN drove to Marco Island in the Bureau limousine, picked up Mr. and Mrs. GRAY and took them to the National Airlines VIP lounge at Miami International Airport to await their return flight to WDC.

SAC WHITTAKER advised that no Bureau personnel remained with Mr. and Mrs. GRAY over the weekend at Marco Island. Mr. GRAY was furnished the name and telephone number of SA [redacted] the Resident Agent stationed at Naples, Florida, as a contact in the event that he needed anything. SAC WHITTAKER stated that he had absolutely no contact with Mr. GRAY on Saturday, February 24, 1973 or Sunday, February 25, 1973. b6 b7C

SAC WHITTAKER stated that he could furnish no information regarding a telephone call from W. MARK FELT to Mr. GRAY on Saturday, February 24, 1973. It would be most probable that if Mr. FELT did call Mr. GRAY, he would call direct to Marco Island and not have the call patched through the Miami FBI Office.

SAC WHITTAKER stated that he has no recollection of Mr. GRAY receiving a telephone call from JACK HUSHEN during the time that Mr. and Mrs. GRAY were in the National Airlines VIP lounge awaiting their flight to WDC. If Mr. GRAY did receive a telephone call he probably was notified of the call by [redacted] who runs the National Airlines VIP lounge at the airport. b6 b7C

SAC WHITTAKER was shown a Xerox copy of the cover of the March 5, 1973, issue of Time magazine and a Xerox copy of an article in that issue entitled "The Administration Questions About GRAY." After viewing the article and the cover of the magazine, SAC WHITTAKER stated that he has no information Mr. GRAY ever requested or received a copy of that issue of Time magazine during the weekend he spent at Marco Island. SAC WHITTAKER further stated that Mr. GRAY never made mention of wiretaps or

anything to do with wiretaps in any conversations with him that weekend. It is SAC WHITTAKER's impression that Mr. GRAY only trusted his administrative aides and that he (GRAY) did not trust Bureau career employees. SAC WHITTAKER feels that Mr. GRAY would not have discussed a subject such as wiretaps with him. In fact, the only specific conversation that SAC WHITTAKER can recall having had with Mr. GRAY that weekend concerned SAC WHITTAKER's recommendation that Mr. GRAY fully utilize the Crime Records Division of the FBI in preparing for his upcoming confirmation hearings. Mr. GRAY assured SAC WHITTAKER that he had already received the recommendations of the Crime Records Division concerning his upcoming hearings.

SAC WHITTAKER advised that Mr. and Mrs. GRAY had come to Florida on a previous occasion at which time they stayed in a hotel at Key Biscayne, Florida. While in Florida for that visit, Mr. and Mrs. GRAY, SAC WHITTAKER and his wife, BEBE REBOZO and his girlfriend and [redacted] a friend of REBOZO's, and his wife had dinner together. SAC WHITTAKER recalls that REBOZO had heard from some source that Mr. GRAY was suffering from cancer and that during the course of this dinner Mr. GRAY assured REBOZO that he was in perfect health. With the exception of this detail, SAC WHITTAKER has no recollection of any specific conversations between the parties at that dinner. b6 b7C

SAC WHITTAKER stated that he has never heard from any Bureau officials or from any other individual that Mr. GRAY may have committed perjury during his confirmation hearings in February and March, 1973.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/19/74

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[redacted] Secretary to KENNETH W. WHITTAKER, Special Agent in Charge (SAC) of the Miami Field Office of the FBI, advised that that offices' telephone records are routinely destroyed after one year.

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Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 12/18/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/19/74

1

FREDERICK F. FOX, Assistant Special Agent in Charge (ASAC), of the Bureau's Miami Field Office, was advised of the general nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO). Mr. FOX's attention was directed to the period of February 23-26, 1973, and he was asked if he had any recollection of former Acting FBI Director L. PATRICK GRAY, III, and Mrs. GRAY visiting the Marco Island resort during that time.

ASAC FOX stated that he had nothing whatsoever to do with Mr. and Mrs. GRAY's visit as described above. He also stated that he had no contact, personal or telephonic, with Mr. GRAY during that period and has no knowledge of any telephone calls which may have been made and/or received by Mr. GRAY. If any telephone calls made by Mr. GRAY were charged to the Bureau's Miami Field Office, the bill for same would have been paid by the Miami Office and, thereafter, the bill would have been forwarded to the Administrative Division at FBI Headquarters.

Interviewed on 12/17/74 at Miami, Florida File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 12/18/74

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/18/74

Special Agent (SA) LEO J. MC CLAIREN was interviewed at the Miami Division, Federal Bureau of Investigation (FBI), where he is currently assigned. He was advised of the identity of the interviewing Agents and the nature of the inquiry being conducted at the specific request of the Watergate Special Prosecutor's Office (WSPO).

SA MC CLAIREN was queried as to whether he has any recollection of a visit made to Florida by then Acting FBI Director L. PATRICK GRAY, III, the weekend of February 23-26, 1973. SA MC CLAIREN stated that he recalls that he, Special Agent in Charge (SAC) KENNETH W. WHITTAKER, and SA [redacted] met Mr. GRAY and his wife at Miami International Airport. After the arrival of Mr. GRAY and his wife, SAC WHITTAKER returned to the Miami Office and MC CLAIREN drove Mr. and Mrs. GRAY to Marco Island, Florida, a distance of approximately 110 miles, in the Bureau limousine maintained at the Miami Division. SA [redacted] followed in a back-up unit which was subsequently left at Marco Island for Mr. GRAY's use over the weekend. MC CLAIREN and SA [redacted] returned to Miami in the limousine after escorting Mr. and Mrs. GRAY to their suite at Marco Island.

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SA MC CLAIREN stated that he has no recollection of any specific conversations between Mr. and Mrs. GRAY while en route to Marco Island from the airport.

SA MC CLAIREN stated that he had no contact with Mr. GRAY on Saturday, February 24 or Sunday, February 25, nor was he contacted by the Miami Division to handle any assignment relative to Mr. GRAY's stay during that weekend.

On Monday, February 26, 1973, MC CLAIREN, SAC WHITTAKER and SA [redacted] drove the limousine to Marco Island to pick up Mr. and Mrs. GRAY and drive them to Miami International Airport. MC CLAIREN and SAC WHITTAKER rode from Marco Island to the airport in the limousine with Mr. and Mrs. GRAY and SA [redacted] followed in the back-up car. Upon arrival at the airport, MC CLAIREN, SAC WHITTAKER, SA [redacted], and Mr. and Mrs. GRAY proceeded

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Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SAs DENNIS F. HOFFMAN and CHARLES W. HARVEY DFH:lmc Date dictated 12/18/74

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immediately to the National Airlines VIP lounge, where they remained until Mr. and Mrs. GRAY boarded the plane for Washington, D. C. (WDC).

In response to a question, SA MC CLAIREN stated that he has absolutely no recollection of Mr. GRAY receiving a telephone call while in the National Airlines VIP lounge at the airport.

With regard to any conversations between Mr. GRAY and SAC WHITTAKER or other occupants of the limousine while en route to the airport on February 26, 1973, SA MC CLAIREN stated that there was definitely no conversation concerning official Bureau business and that any conversation would have been just small talk of a social nature.

In response to a question, SA MC CLAIREN stated that he has no information that Mr. GRAY requested or received a copy of the March 5, 1973, issue of Time magazine while in Florida the weekend of February 23 through 26, 1973. SA MC CLAIREN stated that he is positive that he never purchased or obtained a copy of that magazine for Mr. GRAY that weekend.

With regard to any telephone call received by Mr. GRAY while in the VIP lounge, SA MC CLAIREN stated that if any call was received, Mr. GRAY most probably took it on one of the telephones in the main lounge area, which is where VIPs in the lounge usually receive calls. If Mr. GRAY went to a private office to make or receive a call, SA MC CLAIREN knows nothing about it.

SA MC CLAIREN stated that he was aware that the purpose of Mr. GRAY's visit to Florida that weekend was to prepare for confirmation hearings relative to his appointment as Director of the FBI which were scheduled to commence in WDC the following week. He recalls wishing Mr. GRAY the best of luck in the hearings. It is SA MC CLAIREN's opinion from his observation of Mr. GRAY that weekend that GRAY was worried about the confirmation hearings and whether he would or would not be confirmed as Director of the FBI.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/18/74

1

Special Agent (SA) [redacted] currently assigned to the Miami Division, Federal Bureau of Investigation (FBI), telephonically contacted SA DENNIS F. HOFFMAN at the Holiday Inn, 11190 Biscayne Boulevard, Miami, Florida, and stated that he understood that Agents from Washington Field Office (WFO) were in Miami conducting interviews concerning the visit of then Acting FBI Director L. PATRICK GRAY, III, to Florida the weekend of February 23 through 26, 1973. SA [redacted] stated that he had some contact with L. PATRICK GRAY that weekend, but was en route to Key West, Florida, this date and would be unavailable for interview during the time that the WFO Agents were in Miami. SA [redacted] was advised that an investigation was being conducted concerning Mr. GRAY's visit to Florida that weekend at the specific request of the Watergate Special Prosecutor's Office (WSPO). He thereafter telephonically furnished the following information:

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He made the reservations for L. PATRICK GRAY and Mrs. GRAY at Marco Island, Florida, for the weekend of February 23 through 26, 1973.

He met Mr. and Mrs. GRAY at Miami International Airport on February 23, 1973, along with Special Agent in Charge (SAC) KENNETH W. WHITTAKER and SA LEO MC CLAIREN. He then drove a back-up car to Marco Island following the Bureau limousine, which was being driven by SA MC CLAIREN. Upon arrival at Marco Island, he and SA MC CLAIREN escorted Mr. and Mrs. GRAY to their suite and then returned to Miami in the limousine. The back-up unit was left at Marco Island for Mr. GRAY's use should he desire a car that weekend.

On Monday, February 26, 1973, he accompanied SAC WHITTAKER and SA MC CLAIREN to Marco Island in the limousine to pick up Mr and Mrs. GRAY and take them to the airport. He drove the back-up unit back to Miami while SAC WHITTAKER rode with Mr. and Mrs. GRAY in the limousine which was driven by SA MC CLAIREN.

Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SA DENNIS F. HOFFMAN:lmc Date dictated 12/18/74

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SA [redacted] stated that he accompanied Mr. and Mrs. GRAY to the National Airlines VIP lounge at Miami International Airport to await their flight along with SAC WHITTAKER and SA MC CLAIREN. He recalled that during the time Mr. GRAY was in the VIP lounge he [redacted]) was approached by [redacted], who is the National Airlines representative in the lounge who told him that there was a telephone call for Mr. GRAY. Either he [redacted] or SAC WHITTAKER told Mr. GRAY about the call which GRAY then took in a private office. b6 b7C

SA [redacted] has no idea who Mr. GRAY talked to or what the conversation concerned. b6 b7C

SA [redacted] stated that during the time Mr. GRAY was in Florida he [redacted] was always in the background and not privy to any conversations of Mr. GRAY's.

SA [redacted] stated he has no information that Mr. GRAY requested or obtained a copy of the March 5, 1973, issue of Time magazine during the time he was in Florida from February 23 through 26, 1973. b6 b7C

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/19/74

WILLIAM L. EDDY, Special Agent (SA) Supervisor, assigned to the Miami Office of the FBI, was advised of the nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO) and, thereafter, furnished the following information:

Concerning his activities during the period of February 23-26, 1973, when then Acting FBI Director L. PATRICK GRAY, III, was visiting the Marco Island resort, which resort is located within the territory covered by the Miami Field Office, he is unable to specifically recall receiving a telephone call wherein JACK HUSHEN, Public Information Officer for the United States Department of Justice, asked to speak to Mr. GRAY. However, he does recall receiving two telephone calls during the same period wherein the callers inquired about Mr. GRAY's itinerary. He believes that one of these calls may have been from someone in the Bureau's Crime Records Division who identified himself to the effect as being "Mr. GRAY's assistant." This individual may have been a Mr. (First Name Unknown) HERRINGTON (phonetic). Both calls were from Washington, D. C. (WDC), but he is unable to recall the identity of the second caller.

He (EDDY) normally handles calls when both Special Agent in Charge (SAC) KENNETH W. WHITTAKER and Assistant Special Agent in Charge (ASAC) FREDERICK F. FOX are not available and, in this same regard, it is his practice to prepare a memorandum concerning any incoming calls which are important, i.e., important enough to bring to the attention of the SAC. In any event, he is unable to locate any memoranda regarding any calls that GRAY received during the above noted period in question.

It is only speculation on his part, but upon receipt of one of the telephone calls mentioned above, he (EDDY) may have asked SA RON McCLAIREN concerning GRAY's location and, immediately thereafter, he (EDDY) would have referred the caller to another number or location where GRAY could be reached.

Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 12/18/74

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He (EDDY) has no specific recollection of Mr. and Mrs. GRAY's visit to Marco Island and, if GRAY went to Marco Island on unofficial business and did not visit the Miami Field Office, then there may not have been any record made of the visit except, possibly, a one paragraph memorandum reflecting only that GRAY would be visiting in the area.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 12/19/74

[redacted], Assistant to the President, Customer Service, National Airlines, Miami International Airport, was advised of the official identities of the interviewing Agents and the general nature of the inquiry being conducted at the request of the Watergate Special Prosecutor's Office (WSPO). [redacted] attention was directed to the period of February 23-26, 1973, and he was asked if he had any recollection of former Acting FBI Director L. PATRICK GRAY, III, receiving a long distance telephone call on February 26, 1973, while waiting to board a National Airlines' flight en route to Washington, D. C. (WDC). [redacted] furnished the following information:

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He has a "very slight" recollection of Mr. GRAY being present in the National Airlines' VIP lounge on an unrecalled date, possibly on February 26, 1973. However, he has no recollection of Mr. GRAY receiving or making any telephone calls. Had Mr. GRAY received the telephone call, the call would probably have been received by his [redacted] secretary, [redacted] and he [redacted] would probably have offered his office to Mr. GRAY to take the telephone call.

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Although he has no specific recollection of GRAY's visit to the lounge, based upon past experience with other VIP's, GRAY would probably have been present no more than 45 minutes.

[redacted] stated that Time magazine is among those periodicals available in the VIP lounge but that he has no recollection of Mr. GRAY asking for a copy of this magazine.

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Interviewed on 12/16/74 at Miami, Florida File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 12/18/74

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/19/74

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[redacted] Secretary to [redacted] Customer Service Department, National Airlines, Miami International Airport, was advised of the official identities of the interviewing Agents and was asked if she had any recollection of L. PATRICK GRAY, III, former Acting Director of the FBI, receiving or making a telephone call from National Airlines' VIP lounge on February 26, 1973. b6 b7C

[redacted] advised that she has a vague recollection that Mr. and Mrs. GRAY did in fact visit the VIP lounge on an unrecalled date, possibly February 26, 1973, but that she has absolutely no recollection concerning whether or not Mr. GRAY made or received any telephone calls while in the lounge. b6 b7C

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SECRET

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FOI/PA
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REC-102

1/17/75

To: SAC, WFO (74-293)

From: Director, FBI (72-2202) 10

1 - Mr. Barger

LOUIS PATRICK GRAY, III
PERJURY
OO: WFO

ReWFOairtel dated 1/9/75.

Enclosed for WFO are two copies each of the following documents, each of which bear the caption "Daniel Ellsberg, Et Al. v. John N. Mitchell, Et Al., (D.D.C.) Civil Action No. 1879-72:"

1. Department of Justice memorandum to Bureau dated 9/22/72.

2. LHM dated 10/18/72 prepared at FBIHQ.

3. Bureau letter to the Department dated 10/26/72.

With regard to the conversation between SACRobert Kunkel and former Acting Director Gray on 9/29/72, this will confirm that Agent Charles W. Harvey and Angelo J. Lano, WFO, appeared at FBIHQ 1/15/75 and reviewed a transcript of that conversation.

Encs. 6

NOTE: The originals of the above described three documents are contained in Bureau File 65-74060, serial 4050. Four Xerox copies were made of the originals in Bureau File. Two Xerox are enclosed for WFO, one is to be retained with this yellow and one is to be retained with tickler copy in room 5005, JEH Building.

6 ENCLOSURE

AGB:els
(4)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM ☑ TELETYPE UNIT ☐

5005 JEH

GPO 954-546

Mr. MARTIN also requested that we identify the occupants of the offices surrounding the office of BERNARD A. WELLS for the period April and May, 1973. This was the period when Mr. WELLS was employed by the I.E.C. Also, Mr. MARTIN requested that we interview Alexandria SAC ROBERT KUNKEL concerning his conversation with GRAY on 9/29/72, to determine whether any reference was made in general or specific terms to the White House ordered 17 wiretaps or the [redacted] tap. WFO notes that GRAY apparently recorded this conversation with SAC KUNKEL and that a transcript of same exists at FBIHQ. b6 b7C

REQUEST OF THE BUREAU:

The Accounting and Fraud Section-Watergate Unit is requested to forward a copy of the pertinent portion of this communication to Division Five in order that copies of the above described documents can be made available to WFO.

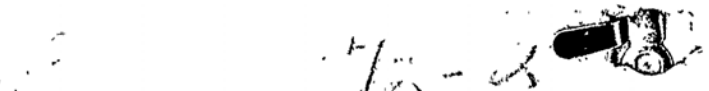
Also, prior to any interview of SAC KUNKEL, WFO Agents assigned to these cases deem it desirable to review the transcript of the 9/29/72, GRAY/KUNKEL conversation which is listed among those items located in GRAY's office when he resigned.

LEADS:

WASHINGTON FIELD

AT WASHINGTON, D.C. 1) UACB, will contact the Watergate Unit to review the aforementioned transcripts and, thereafter, if still necessary, will interview SAC KUNKEL.

2) Will recontact [redacted], Administrative Officer, Tax Division, U.S. Department of Justice, to determine the identity of those individuals occupying offices surrounding WELLS' office during April and May, 1973. It is noted that when previously interviewed in connection with captioned OOJ matter on 8/7/74, [redacted] furnished a copy of the floor plan for the area in question. b6 b7C



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-04-2021 BY [redacted] ADG

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~~ST-14~~

Assistant Attorney General
Internal Security Division REC-47

October 23, 1972

Acting Director, FBI 65-74560-4050

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

DANIEL ELLSBERG, et al. v.
JOHN N. MITCHELL, et al.
(D.D.C.) CIVIL ACTION NO. 1879-72

Pursuant to the request contained in your letter of September 22, 1972, enclosed is a memorandum bearing the same caption dated October 18, 1972, which contains certain factual information relative to captioned case.

In answering the complaint, we suggest that the allegations relating to the identities of the plaintiffs and defendants contained in paragraphs 1 and 2 can be admitted.

The jurisdictional allegations contained in paragraph 3 of the complaint can be denied.

Paragraphs 4, 5, and 6 of the complaint concern matters handled by Government counsel during the proceedings in United States v. Russo and while the allegations appear substantially correct, no answer to them is being suggested.

The information necessary to respond to the allegations in paragraph 7 of the complaint is contained in the memorandum enclosed herewith.

Paragraphs 8 and 9 of the complaint which allege that the electronic surveillances conducted herein are illegal should be denied.

The factual information necessary to respond to plaintiffs' interrogatories is contained in the enclosed memorandum.

ENCLOSURE

JLW:deh
(6)

SEE NOTE PAGE TWO

SECRET MATERIAL ATTACHED

MAILED 11
OCT 26 1972
FBI

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Rm.
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

97 NOV 7 1972

MAIL ROOM ☑ TELETYPE UNIT ☐

EM

OCT 30 1972

Assistant Attorney General
Internal Security Division

We would suggest that the following defenses be raised: lack of jurisdiction over the subject matter, lack of standing on the part of the plaintiffs, and that the complaint fails to state a claim upon which relief can be granted. In addition, the defenses of official and soverign immunity appear to be appropriate in this case.

Enclosure

NOTE: Daniel Ellsburg, Anthony Joseph Russo, Jr., and 17 others have filed a civil action in U.S. District Court, Washington, D.C., for damages arising from electronic surveillances which they allege were illegal. The Department is being furnished with the results of our Elsur check on plaintiffs so they may respond to the complaint and interrogatories filed in this civil suit.

~~SECRET~~ MATERIAL ATTACHED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE: 50X(6-ISM/DIPLO)
DATE 05-04-2021 BY: [redacted]

1 - Mr. J. Williamson
1 - Mr. Harwood
1 - Mr. Wagoner

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October 18, 1972

DANIEL ELLSBERG, ET AL. V. JOHN N. MITCHELL, ET AL.
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CIVIL ACTION NO. 1879-72

A review of our records for the period of 6/19/68 through 9/19/72 reveals that the following plaintiffs named in captioned civil action have not been subjects of direct electronic coverage. Our records further reveal that no premises in which these individuals had a known proprietary interest have been subjects of electronic surveillances:

Daniel Ellsberg
Anthony Joseph Russo, Jr.
[redacted]
Charles E. Goodell
[redacted]

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b7C

A review of our records reveals the following individuals, although not subjects of direct electronic coverage, have been overheard on telephone taps of other individuals or establishments. Our records further reveal that no premises in which these individuals had a known proprietary interest have been subjects of electronic surveillances.

Felt
Baker
Bates
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM [ ] TELETYPE UNIT [ ]

SECRET - NO FOREIGN DISSEMINATION

JRW:mah (5)

See note, page 19

~~CLASSIFIED BY~~ E.S. Miller
EXEMPT FROM ~~GENERAL DECLASSIFICATION~~
~~SCHEDULE OF EXECUTIVE ORDER 11652~~
~~EXEMPTION CATEGORY~~ Number 2
~~AUTOMATICALLY DECLASSIFIED ON~~ Indefinite

65-74060 - 4050EM

ENCLOSURE

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1873-72

[redacted] (cont.)

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monitoring of coverage at 2043 East Stockwell, Los Angeles, California, was located at the Los Angeles FBI Office, 1100 Wilshire Boulevard, Los Angeles, California. The equipment for the monitoring of the coverage at 35 Sylvan Avenue was located at the New Haven FBI Office, 205 Church Street, New Haven, Connecticut. The equipment for the

(S) [redacted]

San Francisco (SF)

SA Fordyce G. Lyman (SF)
SA [redacted] (FBI Headquarters)
SA [redacted] (SF)
Special Employee Vernon L. Kipping (SF)
Special Employee [redacted] (Retired)
SA [redacted] (Resigned)
Investigative Clerk [redacted] (SF)
Special Employee Donald A. Cloward (SF)
SA Gerald D. Mahoney (SF)
SA [redacted] (SF)
SA [redacted] (SF)
Clerk [redacted] (SF)
SA [redacted] (SF)
SA L. Richard Iorio (Resigned)
SA [redacted] (Honolulu)
SA [redacted] (SF)
SA [redacted] (FBI Headquarters)
Special Employee [redacted] (Resigned)
SA [redacted] (SF)
SA Stanley J. Eager (SF)
SA Robert U. Mann (FBI Headquarters)
SA Steven R. Brown (SF)
SA [redacted] (SF)
Special Employee [redacted] (SF)
SA [redacted] (SF)
SA Larry J. Nelson (SF)

b6
b7C

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1373-72

[redacted] b6 b7C

[redacted] was overheard on telephone surveillances on the below listed dates: b1 b3 b7E

(S) [redacted] 8/25/69 [redacted] (S)

(S) [redacted] 5/3/69 9/29/69 4/2/70 4/4/70 4/6/70 4/11/70 4/13/70 4/14/70 4/15/70 4/16/70

10/14/69
10/23/69
10/27/69

(S) [redacted] 8/20/69 3/30/70

4/26/70	5/4/70	6/29/70	11/7/70
4/27/70	5/7/70	6/30/70	11/16/70
4/28/70	5/11/70	7/2/70	11/25/70
4/29/70	5/12/70	7/3/70	11/26/70
4/30/70	5/22/70	7/4/70	12/14/70
5/2/70	5/24/70	9/21/70	1/13/71
5/3/70	5/27/70	10/13/70	1/14/71

[redacted] b1 b3 b7E

(S) [redacted] The overhears on 8/20/69, 8/25/69, 9/29/69, 10/14/69, 10/23/69, 10/27/69, 3/30/70, 4/4/70, 4/6/70, 4/11/70, 4/13/70, 4/26/70, 4/28/70, 4/29/70, 5/3/70, 5/7/70, 5/11/70, 5/12/70, 5/22/70, 5/24/70, and 5/27/70 were as a result of coverage on the Black Panther Party, 3106 Shattuck Avenue, Berkeley, California, telephone numbers 845-0103, 845-0104, 845-0773 and 846-6705. The overhears on 6/30/70, 7/2/70, 7/3/70, 7/4/70, 9/21/70, 10/13/70, 11/7/70, 11/16/70, 11/25/70, 11/26/70, 12/14/70, 1/13/71, and 1/14/71 were

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

[redacted] (cont.)

b6
b7C

as a result of coverage on the Black Panther Party, 1046 Perlata, Oakland, California, telephone numbers 465-5047, 465-5048, and 465-5049. The overhear on 4/26/70 was as a result of coverage on the Black Panther Party, 1336 1/2 Fillmore Street, San Francisco, California, telephone numbers 922-0095 and 922-6322. The overhear on 4/27/70 was a result of coverage on the Black Panther Party, 2043 East Stockwell, Los Angeles, California, telephone numbers 635-2586, 636-1763, and 636-1764. The overhears on 4/2/70, 4/14/70, 4/15/70, 4/16/70, 4/30/70, 5/2/70, 5/4/70, 5/12/70, and 6/29/70 were as a result of coverage on the Black Panther Party, 35 Sylvan Avenue, New Haven, Connecticut, telephone numbers 562-7463, 562-7148, and 562-8557.

(S) [redacted]

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9/19/69, 12/17/69, and 3/13/70 as well as the coverage at 1046 Perlata on 6/15/70, 9/15/70, and 12/12/70. The coverages at 1336 1/2 Fillmore and at 2043 East Stockwell were also authorized by Mr. Mitchell on 4/17/69 and 3/5/70, respectively. Mr Mitchell authorized the coverage at 35 Sylvan Avenue on 2/25/70 and 5/22/70. The authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

The overhears were monitored by the following employees of the New York, San Francisco, Los Angeles, and New Haven FBI Offices. The equipment for the monitoring of the coverage at 3106 Shattuck Avenue, 1046 Perlata and 1336 1/2 Fillmore was located at the San Francisco FBI Office, 450 Golden Gate Avenue, San Francisco. The equipment for the

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1309-72

[redacted] (cont.)

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to the Department of Justice, Department of the Air Force, and Department of the Army (Director of Special Operations). Data obtained from the overhears on 12/3/71 and 12/10/71 was not disseminated.

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1873-72

Stanley K. Sheinbaum

Sheinbaum was overheard on a telephone surveillance on 4/19/71.

The overhear was as a result of coverage on the Peoples Coalition for Peace and Justice, 1029 Vermont Avenue, Northwest, Washington, D. C., telephone number 638-3294.

The then Attorney General John N. Mitchell authorized the coverage on 3/30/71. This authorization included the pertinent date of the overhear and is maintained in the files of FBI Headquarters, Washington, D. C. The overhear was monitored by Special Agent (SA) Robert G. Moorefield of the Washington Field Office on equipment located at the Washington Field Office, 12th and Pennsylvania Avenue, Northwest, Washington, D. C.

The data obtained in the overhear was not disseminated.

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1873-72

Leonard B. Boudin

Boudin was overheard on telephone surveillances on 10/5/69, 10/6/69, 10/8/69, 11/6/69, 12/28/70 and 2/11/71.

The overhears in 1969 were as a result of coverage on the national headquarters of the Students for a Democratic Society, 1608 West Madison Street, Chicago, Illinois, telephone number 666-3874.

(S)

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The then Attorney General John N. Mitchell authorized the coverage in 1969 on 5/14/69 and 8/14/69, in 1970 on 10/29/70, and in 1971 on 12/4/71. These authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

The overhears in 1969 were monitored by the following FBI employees on the dates indicated on equipment located at the Chicago Office of the FBI, 219 South Dearborn, Chicago, Illinois:

10/5-6/69	SA	
10/8/69	SA	
11/6/69	SA	

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The overhear in 1970 was monitored by SA [redacted] of the New York Office on equipment located at 201 East 69th Street, New York City. The overhear in 1971 was monitored by translator Raymond P. Donovan of the Washington Field Office on equipment located at the Washington Field Office, 12th and Pennsylvania Avenue, Northwest, Washington, D. C.

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1373-72

Leonard B. Boudin (cont.)

There was no dissemination of the data obtained from the overhears in 1969. The data obtained in [redacted] b3 b7E

[redacted]

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

[redacted] b6 b7C

[redacted] was overheard on telephone surveillances on 11/17/69 and 9/23/70.

The overhear in 1969 was a result of [redacted] b7E

[redacted]

The then Attorney General John N. Mitchell authorized the coverages on 9/12/69 and 8/24/70. These authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

The overhear in 1969 was monitored by translator Raymond P. Donovan and in 1970 by SA [redacted] both of the Washington Field Office, and on equipment located at the Washington Field Office, 12th and Pennsylvania Avenue, Northwest, Washington, D. C. b6 b7C

There was no dissemination of the data obtained in 1970. The data obtained in 1969 was disseminated to the Department of State, [redacted] and the National Security Council. b3 b7E

[illegible] et al. v. John N. Mitchell, et al.
[illegible] District of Columbia
Civil Action No. 1579-72

Leonard I. Weinglass

Weinglass was overheard on a telephone surveillance on 4/30/71. The overhear was the result of coverage on the Peoples Coalition for Peace and Justice, 1029 Vermont Avenue, Northwest, Washington, D. C., telephone number 638-3294.

The then Attorney General John N. Mitchell authorized the coverage on 4/29/71. This authorization included the pertinent date of the overhear and is maintained in the files of FBI Headquarters, Washington, D. C.

The overhear was monitored by SA [redacted] b6 b7C who at that time was assigned at the Washington Field Office of the FBI. The overhear was monitored on equipment located in the Washington Field Office, 12th and Pennsylvania Avenue, Northwest, Washington, D. C.

There was no dissemination of the data obtained from the overhear.

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1519-72

[redacted] b6 b7C

[redacted] was overheard on telephone surveillances on 9/17/70, 12/2/70, 3/11/71, and 6/23/71.

The overhears were as a result of coverage on the Black Panther Party, 2043 East Stockwell, Los Angeles, California, telephone numbers 635-2586, 636-1763, and 636-1764.

The then Attorney General John N. Mitchell authorized the coverage on 9/2/70, 12/4/70, 2/12/71, 3/5/71, and 6/3/71. These authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

The overhears were monitored by the following employees of the Los Angeles FBI Office on the dates indicated on equipment located at the Los Angeles Office, 1100 Wilshire Boulevard, Los Angeles, California:

9/17/70	SA [redacted]	b6 b7C
12/2/70, 3/11/71, and 6/23/71	Special Employee [redacted]	

None of the data obtained from the overhears was disseminated.

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

[redacted] b6 b7C

[redacted] was overheard on telephone surveillances on 10/9/70, 12/6/70, 12/28/70, 1/4/71, 1/26/71, 12/3/71, and 12/10/71.

The overhears, with the exception of 12/3/71, were as a result of coverage of the Black Panther Party, 2043 East Stockwell, Los Angeles, California, telephone numbers 635-2586, 636-1763 and 636-1764. The overhear on 12/3/71 was a result of coverage on the Black Panther Party, 731 East 78th Street, Los Angeles, California, telephone number 750-5509.

The then Attorney General John N. Mitchell authorized the coverage at 2043 East Stockwell on 9/2/70, 12/4/70, 2/12/71, and 11/29/71. He authorized the coverage at 731 East 78th Street on 11/29/71. These authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

The overhears were monitored by the following employees of the Los Angeles FBI Office on the dates indicated and on equipment located at the Los Angeles Office, 1100 Wilshire Boulevard, Los Angeles, California:

10/9/70	SA [redacted] b6 b7C
12/6/70	Special Employee (SE) [redacted]
	and SE [redacted]
12/28/70	SE [redacted]
1/4/71	SE
1/26/71	SE
12/3/71	SE
12/10/71	SE

Data obtained from the overhears on 10/9/70, 12/6/70, 12/28/70, 1/4/71, and 1/26/71 was disseminated to U.S. Secret Service. Data obtained from overhear on 10/9/70 was also disseminated

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

[redacted] b6 b7C

[redacted] was overheard on a telephone surveillance on 1/4/71.

The overhear was the result of coverage on the Black Panther Party, 2043 East Stockwell, Los Angeles, California, telephone numbers 635-2586, 636-1763, and 636-1764.

The then Attorney General John N. Mitchell authorized the coverage on 12/4/70 which authorization included the date of the overhear. The authorization is maintained in the files of FBI Headquarters, Washington, D. C. The overhear was monitored by Special Employee [redacted] b6 b7C of the Los Angeles Office on equipment located in that office, 1100 Wilshire Boulevard, Los Angeles, California,

None of the data obtained from the overhear was disseminated.

David [illegible] et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1610-72

Thomas Hayden

Hayden was overheard on telephone surveillances on 2/27/69, 3/2/69, 3/4/69, 3/10/69, 3/13/69, 3/19/69, 3/22/69, 3/24/69, 4/3/69, 4/18/69, 5/19/69, 7/26/69, 11/1/69, 3/23/70, 12/3/70, 3/15/71 and 12/17/71.

Overhears during the period 2/27/69 through 7/26/69 and 3/23/70 were as a result of coverage of the Black Panther Party, 3106 Shattuck Avenue, Berkeley, California, telephone numbers 845-0103, 845-0104, 845-0773 and 846-6705. The overhear on 11/1/69 was the result of coverage on the residence of [redacted] Berkeley, California, which residence at that time was occupied by [redacted] telephone number [redacted] The overhear on 12/3/70 was the result of coverage on the Black Panther Party, 1046 Perlata, Oakland, California, telephone numbers 465-5047, 465-5048, and 465-5049. The overhear on 3/15/71 was the result of coverage on the residence of [redacted] Berkeley, California, telephone number [redacted]

(S) [redacted]

b1 b3 b6 b7C b7E

The then Attorney General John N. Mitchell authorized the coverage at 3106 Shattuck Avenue on 12/17/69, 2/6/69, 3/28/69, 7/1/69 and 3/13/70. He authorized the coverage at [redacted] on 9/16/69, at 1046 Perlata on 9/15/70 and 12/12/70, at [redacted] on 3/2/71,

(S) [redacted]

These authorizations included the pertinent dates of the overhears and are maintained in the files of FBI Headquarters, Washington, D. C.

b1 b3 b6 b7C b7E

The overhears were monitored by the following employees of the San Francisco and New York FBI Offices on equipment located at the San Francisco FBI Office, 450 Golden Gate Avenue, San Francisco, California, and at the New York FBI Office, 201 East 69th Street, New York City:

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

Thomas Hayden (cont.)

SA Fordyce G. Lyman (San Francisco) (SF)
SA [redacted] (FBI Headquarters)
SA [redacted] (SF)
Special Employee Vernon L. Kipping (SF)
Special Employee [redacted] (Retired)
SA [redacted] (Resigned)
Investigative Clerk [redacted] (SF)
Special Employee Donald A. Cloward (SF)
SA Gerald D. Mahoney (SF)
SA [redacted] (SF)
SA [redacted] SF)
Clerk [redacted] (SF)
SA [redacted] (SF)
SA L. Richard Iorio (Resigned)
SA [redacted] (Honolulu)
SA [redacted] (SF)
SA [redacted] (FBI Headquarters)
Special Employee [redacted] (Resigned)
SA [redacted] (SF)
SA Stanley J. Eager (SF)
SA [redacted] (FBI Headquarters)
SA Steven R. Brown (SF)
SA William O. Rives (SF)
SA Robert F. Pevahouse (SF)
Special Employee Gerald E. Ross (SF)
SA [redacted] (SF)
SA Larry J. Nelson (SF)
SA [redacted] (New York FBI Office)

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Data obtained from the overhears of Hayden was not disseminated.

[redacted] (cont.)

New York (NY)

(S) [redacted]

SA [redacted] (NY)

SA [redacted] (Retired)

SA [redacted] (NY)

SA [redacted] (NY)

Special Employee [redacted] (NY)

Los Angeles (LA)

4/27/70 — Special Employee [redacted] (LA)

New Haven (NH)

4/2/70	4/14/70
4/15/70	4/16/70
4/30/70	5/2/70
5/4/70	5/12/70
6/29/70	

SA [redacted] (NH)
SA [redacted] (NH)
SA [redacted] (NH)
SA [redacted] (NH)
SA [redacted] (NH)

(S) [redacted]

Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1679-72

[redacted] (cont.) b1 b3 b6 b7C b7E

(S) [redacted]

Data obtained from coverage of 3106 Shattuck Avenue late in January, 1970 (exact date not recorded) was disseminated to [redacted] b3 b7E Department of the Army, and the French National Police, Paris, France. Data obtained from this coverage on the dates indicated was disseminated as follows: 8/25/69 and 4/11/70 to [redacted] U.S. Secret Service, Departments of State, Army, Navy and Air Force; 5/3/70 to Department of Justice, Department of State, [redacted] U.S. Secret Service, and Departments of the Navy, Army, and Air Force.

Data obtained from the coverage of 1046 Perlata was disseminated on the dates indicated as follows: 7/2/70 to Department of Justice; 7/4/70 to [redacted]; 11/16/70 to Department of Justice, [redacted] Departments of State and Air Force, and U.S. Secret Service; and on 6/30/70 to Department of Justice, [redacted] U.S. Secret Service, and Departments of State, Navy, Army, and Air Force. b3 b7E

Data obtained from the coverage of 35 Sylvan Avenue on 6/29/70 was disseminated to the Department of Justice, French National Police, French Foreign Intelligence and Counterespionage Service, Paris, France.

Daniel F. Ellsberg, et al. v. John N. Mitchell, et al.
[illegible] for the District of Columbia
Civil Action No. 1873-72

With respect to the overhears previously set forth, logs of the overhears are in the custody of the Special Agent in Charge of the pertinent FBI office involved. In some instances, channelizing memorandum expanding on the data set forth in the logs was made and is also in the custody of the Special Agent in Charge. In some instances, the information was set forth in memoranda and/or reports, the originals of which are in the custody of FBI Headquarters, Washington, D. C.

The employees of the FBI who conducted the necessary search of files and records in order to respond to the interrogatories of captioned suit were as follows:

SA James R. Wagoner, FBI Headquarters
SAs [redacted] Los Angeles FBI Office
SA [redacted] Chicago FBI Office
SA [redacted] Milwaukee FBI Office
SA [redacted] San Juan FBI Office
SA [redacted] Newark FBI Office
SAs [redacted] Boston FBI Office
SA [redacted] and Clerk [redacted] New Haven FBI Office
SA [redacted] Charlotte FBI Office
Chief Clerk [redacted] Clerks [redacted] and SA [redacted] Buffalo FBI Office
SA [redacted] Baltimore FBI Office
SA [redacted] and Clerk [redacted] Washington Field Office
SAs [redacted] San Francisco FBI Office
SA [redacted] Portland FBI Office
SA [redacted] Detroit FBI Office
SA [redacted] Las Vegas FBI Office
SA [redacted] New York FBI Office
SA [redacted] Phoenix FBI Office
SA [redacted] Albany FBI Office
SAs [redacted] and [redacted] Philadelphia FBI Office
Special Employee [redacted] Pittsburgh FBI Office

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Daniel Ellsberg, et al. v. John N. Mitchell, et al.
District Court for the District of Columbia
Civil Action No. 1879-72

NOTE:

Classified ~~"Secret-No Foreign Dissemination"~~ since it sets forth information revealing investigative technique, the unauthorized disclosure of which could cause serious damage to the national security.

On 9/19/72 Daniel Ellsberg, et al., filed a civil suit in the District of Columbia against former Attorney General John N. Mitchell, Acting Director L. Patrick Gray, III, and others, seeking wire tap information. Department requested FBI answer interrogatories set forth in the suit as well as the complaint. Instances named answers interrogatories of the suit and the original should be sent to the Legal Counsel for transmittal to the Department together with answers to the complaint.

Form DJ-170
(Ed. 4-26-61)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-04-2021 BY [redacted] ADG

b6
b7C

TO Acting Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: September 22, 1972

FROM A. William Olson
Assistant Attorney General
Internal Security Division

SUBJECT: Daniel Ellsberg, et al. v. John N. Mitchell, et al.
(D.D.C.) Civil Action No. 1879-72

Exp

The Summons and Complaint in the referenced civil action, together with plaintiffs' First Interrogatories to the defendants, were filed in the United States District Court for the District of Columbia on September 19, 1972. Service thereof was made upon the United States Attorney for that District on September 20, 1972. We assume that service thereof has also been made upon you.

Under the Federal Rules of Civil Procedure the defendants must respond to the interrogatories within 45 days after service of the Summons and Complaint and must respond to the Complaint within 60 days after the service thereof.

In order that we may respond to the interrogatories and the Complaint in an appropriate manner, it is requested that you send us by October 9, 1972 a letter setting forth your answers to the interrogatories and advising which of the allegations of the Complaint should be admitted and which should be denied.

If you believe that any interrogatory is subject to legal objection, please indicate the basis for that objection.

ST-114 REC-47 - 2-360 - 4050

We also welcome your views and comments on the legal issues presented in this litigation, and your suggestions as to any affirmative allegations or defenses to be presented.

ENCLOSURE ATTACHED

Ltr to AAG Internal Sec. Div
dtd 10/26/72, glw:dch

Oct 21
20 SEP 25 1972

LEGAL COUNSEL

EXP. PROC.
34 SEP 25 1972

SUMMONS IN A CIVIL ACTION

CIV. 1a (2-64)
(Formerly D.C. Form No.45a Rev. (6-63))

United States District Court

FOR THE
District of Columbia

1879-72

CIVIL ACTION FILE NO. _____

DANIEL ELLSBERG et al

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-04-2021 BY [redacted] ADG

b6
b7C

Plaintiffs

v.

JOHN N. MITCHELL, et al

Defendants

SUMMONS

To the above named Defendant : PATRICK GRAY, III, Director of Federal Bureau of Investigation

You are hereby summoned and required to serve upon

DAVID REIN

plaintiff's attorney, whose address

430 National Press Building
Washington, D. C. 20004

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY
Clerk of Court.

Mary B. Deavers
Deputy Clerk.

Date: Sept. 19, 1972

[Seal of Court]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Filed: [illegible]

DANIEL ELLSBERG,
10 Hilliard Street,
Cambridge, Massachusetts,
(617) 492-1420,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-04-2021 BY [redacted] ADC

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ANTHONY JOSEPH RUSSO, JR.,
272 Entrada Drive,
Santa Monica, California,
(213) 459-2830,

STANLEY K. SHEINBAUM,
819 San Ysidro Lane,
Santa Barbara, Calif.,
(805) 969-5021,

LEONARD B. BOUDIN
12½ St. Luke's Place,
New York, New York,
(212) WA 4-3136,

CHARLES R. NESSON,
221 Mt. Auburn Street,
Cambridge, Mass.,
(617) 547-9469,

Civil Action No.

1879-72

CHARLES E. GOODELL,
12 Elm Rock Road,
Bronxville, N. Y.,
(914) 961-2404,

ARTHUR I. BERMAN,
16371 Tudor Drive,
Encino, Calif.,
(213) 990-3850,

DOLORES A. DONOVAN,
980 Bush Street, Apt. 414,
San Francisco, Calif.,
(415) 771-1269,

RICHARD FALK,
Princeton University,
Princeton, New Jersey,
(609) 452-4684,

MORTON HALPERIN
8215 Stone Trail Drive,
Bethesda, Md.,
(202) 469-7818,

LEONARD [illegible] WEIN[illegible]ASS,
RFD 1,
Blanchardville, [illegible]onsin,
(608) 527-2041

H. PETER YOUNG,
5 Westminster Ave., Apt. 118,
Venice, California,
(213) 396-7523,

JEFFREY B. KUPERS,
27½ Sunset Ave., Apt. B,
Venice, Calif.,
(213) 392-7690,

BARRETT S. LITT,
11840 Washington Place,
Los Angeles, Calif.,
(213) 390-1481,

MICHAEL P. BALABAN,
4156 Crisp Canyon,
Sherman Oaks, Calif.,
(213) 789-5070,

BARRY PORTMAN,
16153½ Sunset Blvd.,
Pacific Palisades, Calif.,
(213) 454-9428,

THOMAS HAYDEN,
47 Park Avenue,
Venice, Calif.,
(213) 392-5864,

ROBERT SCHEER,
3028 Hillegass Street,
Berkeley, Calif.,
(415) 845-5780,

ADAM BENNION,
3470 Middlefield Road,
Palo Alto, California,
(415) 327-0859,

Plaintiffs,

v.

JOHN N. MITCHELL,
1701 Pennsylvania Ave., N.W.,
Washington, D. C.,

RICHARD KLEINDEINST,
Attorney General of the
United States,
Department of Justice,
Washington, D. C.,

PATRICK GRAY, III,
Director of Federal Bureau
of Investigation,
Department of Justice,
Washington, D. C.,

JOHN E. INGERSOLL,
Director of the Bureau of
Narcotics and Dangerous Drugs,
1405 I Street, N. W.,
Washington, D. C.,

VERNON D. ACREE,
Commissioner of the Bureau
of Customs,
2100 K Street, N.W.,
Washington, D.C.,

JAMES J. ROWLEY,
Director of the United States
Secret Service,
1800 G Street, N.W.,
Washington, D.C.,

CHARLES WALTERS,
Commissioner of the Internal
Revenue Service,
Twelfth and Constitution Ave.,
N.W.,
Washington, D.C.,

WILLIAM ROGERS,
Secretary of State,
Department of State,
2201 C Street, N.W.,
Washington, D.C.,

MELVIN LAIRD,
Secretary of Defense,
Pentagon,
Washington, D.C.,

RICHARD HELMS,
Director of Central Intelligence
Agency,
Washington, D.C. 20505,

JOHN DOE and RICHARD ROE,
Parties as yet unknown,

Defendants.

COMPLAINT FOR DAMAGES FOR ILLEGAL ELECTRONIC SURVEILLANCE

The plaintiffs, by their attorneys, allege:

1. a. Plaintiffs Daniel Ellsberg and Anthony Russo, Jr., are the defendants in United States v. Anthony Joseph Russo, Jr., and Daniel Ellsberg, No. 9373 - (WMB)-CD, now pending trial in the United States District Court for the Central District of California (hereinafter referred to as United States v. Russo).

b. The plaintiff Stanley K. Sheinbaum, is the cochairman of the Pentagon Papers Fund, Inc. and the Ellsberg Defense Fund, Inc., the primary defense fund for the plaintiffs, Ellsberg and Russo.

c. Plaintiffs Leonard B. Boudin, Charles R. Nesson, Charles E. Goodell, Arthur I. Berman and Dolores A. Donovan are counsel of record for the plaintiff Daniel Ellsberg in United States v. Russo.

d. The plaintiffs Richard Falk and Morton Halperin are consultants to the plaintiff Daniel Ellsberg and his defense counsel in United States v. Russo.

e. The plaintiffs Leonard I. Weinglass, H. Peter Young, Jeffrey B. Kupers, Barrett S. Litt, Michael P. Balaban, and Barry Portman are counsel of record for the plaintiff Anthony Joseph Russo, Jr. in United States v. Russo.

f. The plaintiffs Thomas Hayden, Robert Scheer and Adam Bennion are consultants to the plaintiff Anthony Joseph Russo, Jr. and to his defense counsel in United States v. Russo.

2. a. The defendant John Mitchell was Attorney General of the United States during much of the period covered by the facts alleged in the complaint. The defendant Richard Kleindeinst succeeded him as Attorney General and is currently Attorney General.

b. The defendant Patrick Gray III is Acting Director of the Federal Bureau of Investigation.

c. The defendant John E. Ingersoll is the Director of the Federal Bureau of Narcotics and Dangerous Drugs.

d. The defendant Vernon D. Acree is the Commissioner of the Bureau of Customs.

e. The defendant James J. Rowley is the Director of the United States Secret Service.

f. The defendant Charles Walters is the Commissioner of the Internal Revenue Service.

g. The defendant William Rogers is the Secretary of State. He is the Chief Executive Officer of the United States Department of State.

h. The defendant Melvin Laird is the Secretary of Defense. He is the Chief Executive Officer of the United States Department of Defense.

i. The defendant Richard Helms is the Director of the Central Intelligence Agency.

j. The defendants John Doe, Richard Roe, whose true names are as yet unknown to the plaintiffs, are persons who have directed, authorized or participated in electronic surveillance on behalf of the other defendants or the government agencies headed by them, or on behalf of other persons or other agencies which are as yet unknown to plaintiffs.

3. The jurisdiction of this Court exists under 28 U.S.C. §1331(a). The amount in controversy exceeds the sum of ten thousand dollars ($10,000.00) exclusive of interests and costs. Plaintiffs' causes of action arise under the First, Fourth and Sixth Amendments to the Constitution of the United States, 18 U.S.C. §2520, and 47 U.S.C., §605.

4. On July 21, 1972, in the course of the proceedings in United States v. Russo, counsel for the United States, pursuant to court order, acknowledged that there had been during the period from December 1, 1970 to July 21, 1972, electronic surveillance of the conversations of one or more of the plaintiffs' attorneys or consultants for the defense. He further stated that this acknowledgment was made on the basis of "an inquiry . . . of the knowledgeable persons in the following listed departments and agencies":

Federal Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs
Bureau of Customs
Secret Service
Internal Revenue Service
Department of State
Department of Defense
Central Intelligence Agency

5. The contents of the aforesaid surveillance were filed in camera with the United States District Court for the Central District of California. Counsel for the government has refused to disclose which of the plaintiffs were the subject of the surveillance, the agencies conducting the surveillance or the time and circumstances of the surveillance.

6. During the course of the proceedings, government counsel represented that no warrant was obtained authorizing the surveillance but only the authorization of the Attorney General.

7. Accordingly, plaintiffs allege that wire and oral communications of the plaintiffs other than Ellsberg and Russo have been overheard by means of unwarranted electronic surveillance and interception by the defendants from June 19, 1968 to the date of this complaint, and that such overheard conversations included matters relevant to the defense of Ellsberg and Russo.

8. Such electronic surveillance was conducted in violation of 18 U.S.C. ch. 119, 47 U.S.C. §605, and the Fourth Amendment.

9. Such surveillance also constituted a violation of the rights of plaintiffs Ellsberg and Russo to the effective assistance of counsel guaranteed by the Sixth Amendment, and the rights of the other plaintiffs to freedom of speech guaranteed by the First Amendment.

WHEREFORE, plaintiffs pray:

1. That each plaintiff individually, other than Ellsberg and Russo, have judgment against the defendants jointly in the sum of (a) one hundred dollars ($100.00) per day of surveillance upon him since June 19, 1968, or one thousand dollars ($1,000.00) whichever is higher, plus (b) fifty thousand dollars ($50,000.00) punitive damages.

2. That the plaintiffs Ellsberg and Russo individually have judgment against the defendants jointly in the sum of fifty thousand dollars ($50,000.00)

3. That plaintiffs jointly have judgment against all defendants jointly for reasonable attorney's fees and other costs of litigation reasonably incurred in connection with this action.

4. And for such other and further relief as may be just and proper.

David Rein
Forer & Rein
430 National Press Building
Washington, D. C. 20004
628-4047
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL ELLSBERG, et al., :
Plaintiffs, :
v. : Civil Action No.
JOHN N. MITCHELL, et al., :
Defendants. : 1879-72

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DATE 05-04-2021 BY [redacted] ADC

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FIRST INTERROGATORIES OF PLAINTIFFS TO THE DEFENDANT MITCHELL

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the plaintiffs direct these interrogatories to be answered under oath by the defendant Mitchell.

1. State whether, since June 1968, you, your agents or employees, or agents or employees of the Department of Justice during the period when you were Attorney General, have authorized, procured, conducted, or received any electronic surveillance or other overhearing of wire or oral communications made by or to any of the following persons:

a. Leonard B. Boudin;

b. Charles R. Nesson;

c. Charles E. Goodell;

d. Arthur I. Berman;

e. Richard Falk;

f. Morton Halperin;

g. Leonard I. Weinglass;

h. H. Peter Young;

i. Jeffrey B. Kupers;

j. Barrett S. Litt;

k. Thomas Hayden;

l. Robert Scheer;

m. Adam Bennion;

n. Stanley K. Sheinbaum;

o. Michael P. Balaban;

p. Barry Portman;

q. Dolores A. Donovan.

2. If the response to Interrogatory 1 or to any part thereof is in the affirmative, please respond to the following additional interrogatories with respect to each instance of electronic surveillance or other overhearing indicated.

a. State the date of such electronic surveillance or other overhearing.

b. State the precise location of the electronic devise by means of which the overhearing was accomplished.

c. State the name of the person or the address of the establishment at which the electronic surveillance or other overhearing was directed.

d. State whether such electronic surveillance or other overhearing was conducted pursuant to a court order.

e. If such electronic surveillance or other overhearing was conducted pursuant to a court order, state the name of the judge who signed the order and the date of its issuance.

f. If such electronic surveillance or other overhearing was not conducted pursuant to a court order, state by what other form of authority such surveillance was conducted, and if in written form, state the name of the person who signed the authorization, the date of its issuance, and the name and address of its present custodian.

g. State the method by which such electronic surveillance or other overhearing was accomplished.

h. State the precise location of the electronic device by means of which the electronic surveillance or other overhearing was accomplished.

i. State the names, positions of employment, and present addresses if known, of all persons who participated in each such instance of electronic surveillance or other overhearing.

j. State whether logs, memoranda, transcription, or any other form of record relating to such electronic surveillance or other overhearing were

prepared, and, if so, state the names and addresses of the custodians of each such record, and the precise whereabouts of each such record.

k. State the names of all persons or agencies who have access to each such record.

l. State the names, positions of employment, and present addresses of the persons within your department or agency who are responsible for searching the files and records to determine, in response to appropriate inquiry, whether surveillance of a named person or at a specified location has been conducted.

David Rein
Forer & Rein
430 National Press Building
Washington, D. C. 20004
628-4047
Attorney for Plaintiffs

DANIEL ELLSBERG, et al.,

Plaintiffs,

v. : Civil Action No.

JOHN N. MITCHELL, et al., : 1879-72

Defendants. :

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-04-2021 BY [redacted] ADC
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FIRST INTERROGATORIES OF PLAINTIFFS TO DEFENDANTS KLEINDEINST, GRAY, INGERSOLL, ACREE, ROWLEY, WALTERS, ROGERS, LAIRD AND HELMS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the plaintiffs direct these interrogatories to be answered under oath by each of defendants Kleindeinst, Gray, Ingersoll, Acree, Rowley, Walters, Rogers, Laird and Helms.

1. State whether you, your agents or employees, or the agents or employees of the department or agency which you direct, have, since June 19, 1968, authorized, procured, conducted, or received any electronic surveillance or other overhearing of wire or oral communications made by or to any of the following persons:

a. Leonard B. Boudin;

b. Charles R. Nesson;

c. Charles E. Goodell;

d. Arthur I. Berman;

e. Richard Falk;

f. Morton Halperin;

g. Leonard I. Weinglass;

h. H. Peter Young;

i. Jeffrey B. Kupers;

j. Barrett S. Litt;

k. Thomas Hayden;

l. Robert Scheer;

m. Adam Bennion;

n. Stanley K. Sheinbaum;

o. Michael P. Balaban;

p. Barry Portman;

2. If the response to Interrogatory 1 or to any part thereof is in the affirmative, please respond to the following additional interrogatories with respect to each instance of electronic surveillance or other overhearing indicated.

a. State the date of such electronic surveillance or other overhearing.

b. State the precise location of the electronic devise by means of which the overhearing was accomplished.

c. State the name of the person or the address of the establishment at which the electronic surveillance or other overhearing was directed.

d. State whether such electronic surveillance or other overhearing was conducted pursuant to a court order.

e. If such electronic surveillance or other overhearing was conducted pursuant to a court order, state the name of the judge who signed the order and the date of its issuance.

f. If such electronic surveillance or other overhearing was not conducted pursuant to a court order, state by what other form of authority such surveillance was conducted, and if in written form, state the name of the person who signed the authorization, the date of its issuance, and the name and address of its present custodian.

g. State the method by which such electronic surveillance or other overhearing was accomplished.

h. State the precise location of the electronic device by means of which the electronic surveillance or other overhearing was accomplished.

i. State the names, positions of employment, and present addresses if known, of all persons who participated in each such instance of electronic surveillance or other overhearing.

j. State whether logs, memoranda, transcription, or any other form of record relating to such electronic surveillance or other overhearing were

prepared, and, if so, state the names and addresses of the custodians of each such record, and the precise whereabouts of each such record.

k. State the names of all persons or agencies who have access to each such record.

l. State the names, positions of employment, and present addresses of the persons within your department or agency who are responsible for searching the files and records to determine, in response to appropriate inquiry, whether surveillance of a named person or at a specified location has been conducted.

David Rein
Forer & Rein
430 National Press Building
Washington, D. C. 20004
628-4047
Attorney for Plaintiffs

FD-263 (Rev. 1-7-72)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
WASHINGTON FIELD	WASHINGTON FIELD	1/23/75	1/3/75 - 1/22/75

TITLE OF CASE
LOUIS PATRICK GRAY, III

REPORT MADE BY CHARLES W. HARVEY and ANGELO J. LANO

TYPED BY lmc

CHARACTER OF CASE

PERJURY (ACCOUNTING AND FRAUD SECTION - WATERGATE UNIT)

REFERENCE: WFO report of SAs CHARLES W. HARVEY, DENNIS F. HOFFMAN, and ANGELO J. LANO, dated 1/3/75.

- P -

ENCLOSURES

TO THE BUREAU (For transmittal to the Watergate Special Prosecution Force (WSPF))

1) Xerox copy of the Bureau file copy of a one page letter dated 9/22/72, from A. WILLIAM OLSON, Assistant Attorney General, Internal Security Division, to Acting Director, FBI, Attention: Office of Legal Counsel, and captioned "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C.) Civil Action No. 1879-72." Attached to this memorandum is a Summons, Complaint, and a series of interrogatories.

ACCOMPLISHMENTS CLAIMED [X] NONE					ACQUITTALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR [ ] YES [X] NO PENDING PROSECUTION OVER SIX MONTHS [ ] YES [X] NO

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE
4-Bureau (72-2202) (Enc. 10)
2-WFO (74-293)

72-2202-11

REC-102

12 FEB 10 1975

ENCLOSURE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/82 BY SP2TAP/mch

Dissemination Record of Attached Report

Agency	2 SPF with enclosed material
Request Recd.	Attn Frank Martin
Date Fwd.	0-14 (1)
How Fwd.	1 Tickler 5005 JEH
By	1/30/75

84 FEB 10 1975

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COVER PAGE

~~DATA PROCESSING~~

2) Xerox copy of the Bureau file copy of a two page memorandum dated 10/26/72, from Acting Director, FBI, to the Assistant Attorney General, Internal Security Division, and captioned the same as number one above.

3) Xerox copy of the Bureau file copy of a 19 page LHM classified "Secret - No Foreign Dissemination," and captioned the same as number one above.

4) Xerox copy of the Bureau file copy of a one page memorandum dated 4/13/73, from HENRY E. PETERSON, Assistant Attorney General, Criminal Division, to Acting Director, FBI, and captioned the same as number one above. Attached to this memorandum are seven pages of legal motions.

5) Xerox copy of the Bureau file copy of a one page memorandum dated 4/13/73, from HENRY E. PETERSON, Assistant Attorney General, Criminal Division, to Acting Director, FBI, and captioned the same as number one above.

6) Xerox copy of the Bureau file copy of a one page memorandum dated 4/27/73, from Acting Director, FBI, to Assistant Attorney General, Criminal Division, and captioned the same as number one above.

7) Xerox copy of a one page Department of Justice press release dated 2/26/73.

8) Xerox copy of a one page letter dated 2/27/73, from Senator EDWARD M. KENNEDY to Attorney General RICHARD KLEINDIENST.

9) Xerox copy of JOHN H. DAVITT's "chron" copy of a one page letter from Mr. KLEINDIENST to Senator KENNEDY.

10) Xerox copy of JOHN H. DAVITT's notes (two pages) reflecting the instructions of A. WILLIAM OLSON relative to the preparation of the letter described in number nine above.

ADMINISTRATIVE:

Enclosures one through three were requested by Assistant Special Prosecutor FRANK MARTIN, WSPF, on 1/8/75, as reflected in WFO airtel to the Bureau dated 1/9/75. These

enclosures were furnished WFO by Bureau airtel dated 1/17/75.

Enclosures four through six were furnished WFO by Bureau airtel dated 1/15/75, pursuant to a request contained in WFO airtel to the Bureau dated 1/13/75.

Enclosures seven through ten were made available to WFO on 1/7/75, by Mr. JOHN H. DAVITT, Chief, Internal Security Section, U.S. Department of Justice, whose interview is contained in the details of this report.

Although there is no specific reference to any particular national security electronic surveillance in the details of this report, enclosure number three is classified "Secret - No Foreign Dissemination" and does contain specific references to some national security electronic surveillances. Therefore, the Bureau may desire to appropriately classify this report and/or excise certain portions of enclosure number three.

The investigation reflected in the details of this report completes the investigation requested by the WSPF into this matter.

WFO is continuing to maintain this case in a pending status until the WSPF reaches a prosecutive decision in this matter.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

SECRET

Copy to:

Report of:	CHARLES W. HARVEY and ANGELO J. LANO	Office:	Washington, D. C
Date:	1/24/75		
Field Office File #:	74-293	Bureau File #:	72-2202
Title:	LOUIS PATRICK GRAY, III		
Character:	PERJURY		

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5/10/82 BY SP2 AP/MM

Synopsis:

Mrs. ERMA D. METCALF, Secretary to FBI Director CLARENCE M. KELLEY and who has been assigned to the Director's Office since 1956, recalled filing copies of authorizations related to a special wiretap project. Mrs. METCALF was unable to specifically recall the identities of those individuals who were subjects of these wiretaps. Mrs. METCALF observed copies of six letters to the White House from Mr. HOOVER containing information obtained from the wiretaps in question. She stated copies of these letters were originally maintained in the Director's Office and, subsequently, were transferred to former Assistant to the Director WILLIAM C. SULLIVAN for safe keeping. Mr. HOOVER signed out five of the six letters. Copies of five White House requests for special wiretaps were displayed to Mrs. METCALF. She stated that all five of these requests were probably observed by Mr. HOOVER. Mrs. METCALF described the procedures involved in signing out electronic surveillance (elsur) check requests. Mrs. METCALF has no knowledge of a reported confrontation in 10/71, between Mr. HOOVER and former Attorney General RICHARD KLEINDIENST wherein Mr. HOOVER threatened to reveal the existence of the White House ordered wiretaps nor does she have any knowledge of an attempt to reconstruct the wiretap records in 10/71. She stated that she has a vague recollection that Mr. HOOVER somehow received information that the wiretap records in question had been destroyed. Mrs. METCALF has no knowledge of any discussions among any Bureau personnel concerning the circumstances surrounding the dismissal of the charges against DANIEL ELLSBERG in 5/73. When L. PATRICK GRAY, III, was named Acting Director upon Mr. HOOVER's death, all memoranda, etc., sent to the Director's Office were handled by DAVID D. KINLEY, GRAY's administrative assistant. KINLEY

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Exempt from GDS, Category 2
Date of Declassification Indefinite

U. S. GOVERNMENT PRINTING OFFICE : 1970 O - 406-840

would direct to her (METCALF) those communications to be seen by Mr. GRAY. Mrs. METCALF observed two letters dated, respectively 6/5/72 and 2/21/73, which concern elsur checks conducted relative to the "Pentagon Papers" case. Mr. GRAY "probably" signed out the 6/5/72, letter and the 2/21/73, letter was signed out by the Office of W. MARK FELT. Mrs. METCALF was not aware of any telephone calls made from Washington, D. C. (WDC) to GRAY during the weekend of 2/23-26/73, at which time GRAY was in Florida. She was not aware of any discussions relative to an article which appeared in the 3/5/73, issue of Time magazine and which article mentioned the White House ordered wiretaps. Mrs. METCALF was not familiar with the four page blind letterhead memorandum dated 2/26/73, and captioned "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." She was unable to offer any information concerning a "mislaid envelope" which Mr. GRAY claims to have located in his office subsequent to his confirmation hearings and which envelope allegedly contained a memorandum describing the White House ordered wiretap project. She was unaware of any discussions among any Bureau personnel concerning the possibility that GRAY may have committed perjury during his confirmation hearings. Mrs. METCALF has no specific knowledge concerning who briefed WILLIAM D. RUCKELSHAUS on the subject of the wiretaps in question when RUCKELSHAUS became Acting Director. Mrs. [redacted] Administrative Assistant to Assistant Director W. RAYMOND WANNALL, Intelligence Division (Division 5), advised that since 1/69, she has served as Administrative Assistant to the Assistant Director of Division 5. She recalled that former SA BERNARD A. WELLS often appeared in the office of WILLIAM C. SULLIVAN in connection with a "special project," the details of which remained unknown to her until 5/73. Upon SULLIVAN's departure, in 10/71, she was not aware of any attempt to reconstruct any special wiretap records. Earlier, in 7/70, when SULLIVAN became an Assistant to the Director, WELLS' visits ceased and, to her knowledge, CHARLES D. BRENNAN, SULLIVAN's successor, was not associated with the "special project." She was also unable to associate ROBERT C. MARDIAN with the special project. She had no information concerning the removal of any wiretap records from the FBI and did not become aware that such had occurred until former Acting Director RUCKELSHAUS issued a press release in 5/73. [redacted] observed a list reflecting the names of the 17 individuals who, at one time or another, were subjects of the special

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wiretaps. She was unable to associate any of these individuals with anything she handled in connection with her position as an Administrative Assistant. [redacted] observed copies of pertinent documents and was unable to provide any substantial information concerning same. She recalled Colonel HAIG visited SULLIVAN's office on two occasions but she has no knowledge of the purpose of these visits. [redacted] was unable to associate former WFO Supervisor COURTLAND J. JONES with the special project. She stated she was not involved in the "Pentagon Papers" case concerning DANIEL ELLSBERG. She recalled that a Departmental Attorney, name not recalled, once called E. S. MILLER when MILLER was an Assistant Director and informed MILLER that there was a problem with the ELLSBERG case. She was unable to recall the nature of the problem. [redacted] stated she had never heard of any confrontation between Mr. HOOVER and former Attorney General RICHARD KLEINDIENST wherein Mr. HOOVER threatened to reveal the existence of the White House ordered wiretaps. She had no knowledge that L. PATRICK GRAY, III, ever personally checked the Bureau's elsur indices. [redacted] recalled that GRAY visited Assistant Director MILLER "a couple of times," one of which was during GRAY's confirmation hearings. She was unable to recall any discussions among any Bureau personnel which concerned the possibility that GRAY committed perjury during his confirmation hearings. [redacted] stated she has never had any discussion with WILLIAM C. SULLIVAN concerning the subject matter about which she was being interviewed. JOHN H. DAVITT, Chief, Internal Security Section, U.S. Department of Justice, former Acting Deputy Assistant Attorney General under former Assistant Attorney General A. WILLIAM OLSON, advised that he prepared a letter from former Attorney General KLEINDIENST in response to a 2/27/73, letter from Senator EDWARD M. KENNEDY which expressed the Senator's concern over the previously mentioned 3/5/73, Time magazine article. DAVITT prepared the letter upon specific instructions of OLSON who more or less dictated the substance of the letter to DAVITT. The outgoing letter was prepared on 3/1/73, and DAVITT had no contact with KLEINDIENST concerning the letter. Also, DAVITT does not know whether KLEINDIENST talked with GRAY concerning the Time article or the wiretap issue. He also has no knowledge of any discussions relative to the fact that GRAY may have committed perjury during his confirmation hearings with respect to his testimony

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concerning the wiretaps mentioned in the Time article. DAVITT furnished copies of his notes, a Department of Justice press release, and the letters in question. Observations set forth concerning review of (1) a memorandum from T. J. SMITH to E. S. MILLER, dated 3/9/73, and captioned "Contingency Plans for Handling Terrorist Attacks" and (2) a memorandum from W. O. CREGAR to E. S. MILLER, dated 3/12/73, and captioned "Cabinet Committee to Combat Terrorism." A blockstamp on the first memorandum indicates it was received in the Director's Office at 5:52 p.m. on 3/12/73. The second memorandum bears no such stamp but bears a stamp indicating that it was received in the office of the Associate Director at 12:54 p.m. on 3/12/73. A review was conducted of a tape recording and the resultant transcript reflecting a conversation between Mr. GRAY and SAC ROBERT G. KUNKLE which occurred on 9/29/72. There was no mention made whatsoever of the White House ordered wiretap project and the conversation exclusively concerned an in-house personnel and disciplinary matter. SA JAMES L. WILLIAMSON, previously assigned to the Legal Counsel Division and who handled matters relating to ELLSBERG's civil suit against former Attorney General JOHN N. MITCHELL, et al, including the Bureau, in 1972, furnished the details of HALPERIN's initial complaint. WILLIAMSON was not aware of the HALPERIN wiretap or the ELLSBERG overhears until HALPERIN filed a civil suit subsequent to the retrieval of the wiretap records from the White House in 5/73. SA WILLIAMSON observed pertinent documents and results of his observations are set forth. At no time did anyone indicate to WILLIAMSON while he was handling matters relating to the ELLSBERG civil suit that there was a "problem" with respect to elsur check requests. WILLIAMSON was not familiar with a 10/21/71, memorandum from W. MARK FELT to Mr. TOLSON entitled "Sensitive Coverage Placed at the Request of The White House." WILLIAMSON did meet with and telephonically converse with GRAY on 4/13/73, the same date that two memoranda relative to the ELLSBERG civil suit were received from the Department of Justice. However, these contacts with GRAY had nothing whatsoever to do with the civil suit in question or with anything involving ELLSBERG or HALPERIN. SA WILLIAMSON had no knowledge of any concern on the part of any Bureau personnel with respect to the 8/4/71, Boston removal hearing of ELLSBERG wherein ELLSBERG's attorneys alleged that part of the Government's case against ELLSBERG was based upon information obtained from wiretaps. Also, WILLIAMSON had

no knowledge of any discussions among any Bureau personnel during or subsequent to GRAY's confirmation hearings concerning the fact that GRAY may have committed perjury in his testimony when he disclaimed any knowledge of the White House ordered wiretaps. SA WILLIAMSON stated that he was never asked by anyone to "cover" the disclosure of any elsur overhear.

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WFO 74-293

DETAILS: AT WASHINGTON, D.C.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/6/75

1

Mrs. ERMA D. METCALF, Secretary to FBI Director CLARENCE M. KELLEY, was interviewed in Room 5633, Department of Justice Building. Mrs. METCALF was advised of the official identities of the interviewing Agents as well as the fact that they desired to question her in connection with two areas of investigation being conducted at the request of the Watergate Special Prosecution Force (WSPF), i.e., the so-called White House ordered 17 wiretaps and the allegation that former Acting Director L. PATRICK GRAY, III, committed perjury during his confirmation hearings before the Senate Judiciary Committee with respect to his testimony concerning these wiretaps. Thereafter, Mrs. METCALF furnished the following information, noting that she has never been interviewed by representatives of the WSPF concerning these matters but that in May, 1973, she was interviewed by members of the FBI's Inspection Staff concerning the location of the then missing records relating to the wiretaps in question and concerning the handling of the Attorney General authorizations for same:

She has been employed by the FBI since July 14, 1941, and, since 1956, she has been assigned to the Director's Office.

In 1969, she and Miss HELEN GANDY, Executive Assistant to the late J. EDGAR HOOVER, took dictation from Mr. HOOVER and handled filing and signature mail, i.e., mail requiring Mr. HOOVER's personal signature.

Mrs. METCALF was exhibited a typewritten list reflecting the names of the 17 individuals who, at one time or another, had been the subjects of the previously mentioned White House ordered wiretaps. She replied that she was familiar with the names [redacted] b6 b7C She stated that she does not remember the names [redacted] and is possibly familiar with the name [redacted] She also stated that although the name [redacted] is familiar to her, she does not know if it is in the context of having been the subject of a Bureau wiretap. She further stated that, at this point in

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Interviewed on 1/3/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 1/6/75

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time, she does not know if her familiarity with the noted names was derived from her association with the authorizations prepared in connection with the White House ordered wiretaps. In any event, due to the lapse of time, she cannot now say specifically that any of these individuals were the subjects of Bureau wiretaps. She noted that she recalled filing the "yellows" (Bureau copies of wiretap authorizations) but cannot presently recall any of the names appearing in the authorizations.

She is unable to recall whether any of the individuals who were wiretapped in connection with the special wiretaps were ever the subjects of any physical surveillances conducted by the Bureau. In this regard, Mrs. METCALF was exhibited a series of six black and white photographs which depict MORTON H. HALPERIN and HENRY BRANDON during and subsequent to a luncheon at the Occidental Restaurant, 1400 Pennsylvania Avenue, N.W., Washington, D. C. (WDC), on August 6, 1969. Mrs. METCALF stated that she was not familiar with these photographs and does not recall ever having observed any photographs taken in connection with the special wiretap project.

Along these same lines, Mrs. METCALF was exhibited a Xerox copy of an "Undated COURTLAND JONES Note" which refers to the previously mentioned HALPERIN/BRANDON luncheon. She stated that she had never previously observed this note and that it meant nothing to her.

Mrs. METCALF was exhibited Xerox copies of the following letters, all of which were from Mr. HOOVER:

1) Letter dated July 25, 1969, to HENRY A. KISSINGER.

2) Letter to KISSINGER dated August 1, 1969.

3) Letter to KISSINGER dated August 22, 1969.

4) Letter to President RICHARD M. NIXON dated October 24, 1969.

5) Letter to KISSINGER dated December 3, 1969.

6) Letter to H. R. HALDEMAN dated June 2, 1970.

Mrs. METCALF provided the following information concerning these letters:

The "yellows" to these letters were originally maintained in the Director's Office in the "Official Confidential Files" until the time, date not recalled, when they were transferred to former Assistant Director WILLIAM C. SULLIVAN for safe keeping. The above listed Xerox copies are copies of the Bureau "yellows," and, with respect to the letter described in number one above, the lower left hand corner of page one bears the initials "HWGedm." She (METCALF) made this notation and the very small "G" appearing in the lower third of the left hand column indicates that Miss GANDY signed out this particular letter for Mr. HOOVER. The "HWGedm" notation indicates that she (METCALF) signed off this "yellow" to WILLIAM C. SULLIVAN for Miss GANDY. The absence of the small "G" on the other five letters indicates that these letters were personally signed out by Mr. HOOVER.

Mrs. METCALF was then exhibited Xerox copies of the following five memoranda, all of which were from W. C. SULLIVAN to Mr. C. D. DeLOACH:

1) Memorandum dated May 15, 1969, captioned "Colonel ALEXANDER HAIG, Technical Surveillance Request."

2) Memorandum dated May 15, 1969, captioned "Sensitive White House Technical Surveillances."

3) Memorandum dated July 10, 1969, captioned "Colonel ALEXANDER M. HAIG, Technical Surveillance Request."

4) Memorandum dated December 30, 1969, captioned "Brigadier General ALEXANDER M. HAIG, Request For Technical Surveillance."

5) Memorandum dated May 12, 1970, captioned "Brigadier General ALEXANDER M. HAIG, Request For Technical Surveillance."

Mrs. METCALF furnished the following information concerning these memoranda:

The memorandum described in number one above was "most likely" seen by Mr. HOOVER and the memorandum described in number two above was definitely seen by Mr. HOOVER since the notation "Sent 9-15-69" appearing in the lower left hand corner indicates that the "enclosure" was signed out directly from the Director's Office. The memoranda described in numbers three and four above were definitely seen by Mr. HOOVER as indicated by the notation "OK H" appearing in the lower mid portion of both of these memoranda. The memorandum described in number five above was "most likely" seen by Mr. HOOVER but there is, by observing only a Xerox copy, no way to be certain that Mr. HOOVER did in fact see this particular memorandum. These memoranda would be sent into the Director's Office without any buck slips or routing slips attached. She noted that Mr. HOOVER was the only individual in the Bureau who utilized blue ink to check out mail.

Also, Mrs. METCALF was exhibited Xerox copies of the following letters from the Director, FBI, to the Assistant Attorney General, Internal Security Division:

1) Letter dated July 13, 1971, captioned "DANIEL ELLSBERG Electronic Surveillance".

2) Letter dated July 16, 1971, captioned "Electronic Surveillance Information Request: [redacted] also known as [redacted] et al." b6 b7C

Concerning these letters, Mrs. METCALF advised that they would most likely go to the Director's Office because of the subject matter involved; however, without observing the actual "yellows," she is unable to positively state that these letters were personally initialed out by Mr. HOOVER. Since the letter described in number one above begins, "Reference is made to your letter dated July 2, 1971...," then a copy of that reference (or "background") would be attached to the yellow and would be sent, along with the original of the letter in question, to the Director.

The first sentence in the letter described in number two above makes reference to a "telephonic request to Assistant Director C. D. BRENNAN of this Bureau by Mr. A. WILLIAM OLSON..." In this case, a memorandum reflecting this telephone call would be attached to the "yellow" and,

likewise, would be sent to the Director as "background."

The copy count of letters such as those described in numbers one and two above would usually consist of an original and one copy to the addressee, any other indicated copies, and the yellow copy.

In response to specific questions, Mrs. METCALF provided the following additional informtion:

She does not recall any discussions among any Bureau personnel in the time frame of August 4, 1971, concerning the fact that during the removal hearing of DANIEL ELLSBERG from Boston, ELLSBERG's attorneys claimed that the Government's case was, in part, based upon information obtained from wiretaps.

She has no knowledge of a reported confrontation in October, 1971, between Mr. HOOVER and former Attorney General RICHARD KLEINDIENST (which was allegedly triggered by Mr. KLIENDIENST's statement that he would welcome a Congressional investigation of the FBI), wherein Mr. HOOVER threatened to reveal the existence of White House ordered wiretaps.

Mrs. METCALF was advised that after WILLIAM C. SULLIVAN departed the Bureau on September 30, 1971, and it was discovered that the sensitive wiretap records were taken, there was an attempt to reconstruct the records and determine the identity of those individuals who had been wiretapped during the project. In this regard, Mrs. METCALF was asked whether she was contacted to assist in reconstructing the matter. She replied that she was not so contacted by anyone and has no knowledge of any such reconstruction attempt. She stated that she vaguely recalls that Mr. HOOVER somehow received information that the records in question had been destroyed and, therefore, there was no need to proceed any further. She believes this occurred at about the same time that SULLIVAN left the Bureau.

Concerning when, in May, 1973, the charges against ELLSBERG were dismissed because, among other things, the fact that he had been overheard on the special wiretaps was disclosed to the Court, she is not aware of any discussions

among any Bureau personnel concerning the circumstances surrounding the dismissal of the case against ELLSBERG. Also, she is unable to recall when or how she first learned that ELLSBERG had been overheard on the HALPERIN wiretap and she has no recollection of the so-called [redacted] wiretaps. b6 b7C

When L. PATRICK GRAY, III, was named Acting Director upon Mr. HOOVER's death in May, 1972, she continued to handle signature mail under Mr. GRAY. At that time, Miss GANDY resigned and MARGE NEENAN became Mr. GRAY's personal secretary. During GRAY's tenure as Acting Director, all memoranda, teletypes, and other communications directed to the office of the Acting Director were sent to DAVID D. KINLEY, Mr. GRAY's Administrative Assistant. Mr. KINLEY would then direct to her (METCALF) those communications to be seen by Mr. GRAY and she would, in turn, give them to Mr. GRAY.

Mrs. METCALF was exhibited a Xerox copy of an article entitled "Data From Security Taps Reported Given LIDDY, HUNT" which appeared in the February 14, 1973, edition of The Washingtc Post. She stated that she has no recollection of ever having previously observed this article nor that it caused any concern within the Acting Director's Office.

Mrs. METCALF was exhibited Xerox copies of the following letters from the Acting Director, FBI, to the Assistant Attorney General, Internal Security Division:

1) Letter dated June 5, 1972, captioned "United States vs. ANTHONY JOSEPH RUSSO, JR., and DANIEL ELLSBERG, Electronic Surveillance."

2) Letter dated February 21, 1973, captioned the same as number one above.

With regard to these letters, Mrs. METCALF provided the following information:

The letter described in number one above was probably signed out by Mr. GRAY inasmuch as the check boxes ("Mail Room" and "Teletype Unit") appearing on the bottom of page one of this letter are blank.

The letter described in number two above was signed out by the office of then Acting Associate Director W. MARK FELT as indicated by the initials "F/WBC" which appear on the lower left hand side of page one of this letter. These initials indicate that WASON B. CAMPBELL signed out the letter for Mr. FELT and, thereafter, the letter was sent to the mail room as indicated by the check mark in the box designated "Mail Room."

Since both of these letters make reference to other correspondence from the Department, then copies of these latter pieces of correspondence would be attached to the letter described in numbers one and two above, the same procedure as was followed under Mr. HOOVER.

Concerning the weekend of February 23-26, 1973, when Mr. and Mrs. GRAY traveled to Marco Island, Florida, Mrs. METCALF stated that the GRAY's did make such a trip in order that Mr. GRAY could study and prepare himself for his then up-coming confirmation hearings. Mrs. METCALF was asked whether she was aware of any telephone calls Mr. GRAY may have made to WDC or received from WDC during the weekend in question, particularly whether Department Public Information Officer JACK HUSHEN telephoned Mr. GRAY concerning an article appearing in the March 5, 1973, issue of Time magazine. She replied that she was aware of no telephone calls made or received by Mr. GRAY during that weekend and that any telephone call from HUSHEN would probably have been handled by Mr. KINLEY.

Mrs. METCALF was exhibited a Xerox copy of an article entitled "The Administration, Questions About GRAY," which appeared in the March 5, 1973, issue of Time. She stated she had no discussion with anyone concerning this article and speculated that it was probably the subject of some discussion among the "GRAY clan."

Mrs. METCALF was exhibited a Xerox copy of a four page blind memorandum dated February 26, 1973, and captioned "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen." She stated that she does not recall ever having previously observed this memorandum and that there is no indication that it was ever

sent to the Acting Director's Office. She noted that she does not see how this memorandum could have been sent to Mr. GRAY without a cover memorandum.

Mrs. METCALF was specifically asked whether she had any knowledge whatsoever of a "mislaid envelope" which Mr. GRAY claims to have located in his office on or after March 22, 1973, which envelope contained a memorandum allegedly describing the White House ordered wiretap project. Mrs. METCALF advised that she never heard of any such envelope or memorandum.

Mrs. METCALF was exhibited a Xerox copy of a one page memorandum dated March 6, 1973, and captioned "Personal Reminder For Mr. GRAY" which alludes to the fact that, concerning Mr. GRAY's testimony during his confirmation hearings that he had checked the Bureau's national security electronic surveillance records and had found no record of any wiretaps on any newsmen, such a check would be almost impossible without knowing the identity of the person tapped or the location of the electronic surveillance. She stated that she had never previously seen this memorandum nor did she hear any discussion concerning the circumstances described in same.

Mrs. METCALF further advised that she had nothing whatsoever to do with Mr. GRAY's confirmation hearings and, presumably, anything relating to the hearings would have been handled by Mr. KINLEY. She also stated that, likewise, she had nothing to do with the transcripts relating to the hearings.

Mrs. METCALF was specifically asked whether, during or subsequent to Mr. GRAY's confirmation hearings, she heard any discussion among any Bureau personnel concerning the possibility that Mr. GRAY may have committed perjury with respect to his testimony concerning the White House ordered wiretaps. She replied in the negative.

Regarding her duties under former Acting Director WILLIAM D. RUCKELSHAUS after Mr. GRAY resigned from the Bureau, Mrs. METCALF stated her duties were substantially the same as they were during Mr. GRAY's tenure. She stated that she has no actual knowledge concerning the identities

of those Bureau personnel who may have briefed Mr. RUCKELSHAUS on the subject of the White House ordered wiretaps but speculated that any such briefing would probably have been conducted by Mr. FELT and former Assistant Director E. S. MILLER, possibly assisted by THOMAS J. SMITH.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/6/75

1

[redacted], Administrative Assistant to Assistant Director W. RAYMOND WANNALL, Intelligence Division (Division 5), Federal Bureau of Investigation Headquarters (FBIHQ), was interviewed in Room 4012, J. Edgar Hoover Building. [redacted], who resides at [redacted], New Carrollton, Maryland, and has home telephone number [redacted], was advised of the identities of the interviewing Agents and of the nature of the inquiry being conducted at the specific request of the Watergate Special Prosecutor's Office (WSPO). b6 b7C

[redacted] stated that since January, 1969, she has served as Administrative Assistant to the Assistant Director of the Intelligence Division. As of January, 1969, and until July, 1970, the Assistant Director in Charge of that division was WILLIAM C. SULLIVAN. From July, 1970 until October, 1971, the Assistant Director of that division was CHARLES D. BRENNAN. From October, 1971 through December, 1973, E. S. MILLER was Assistant Director in Charge of that division. b6 b7C

[redacted] was reminded that she had been interviewed by the Inspection Division, FBIHQ, in May, 1973, concerning any information she had regarding a special wiretap program instituted by the FBI during the period 1969 through 1971 at the request of the White House. With reference to what she had discussed with the Inspectors, [redacted] was asked if she could furnish any information regarding the involvement of former Special Agent (SA) BERNIE WELLS with this project. [redacted] stated that she recalls WELLS being in SULLIVAN's office dictating to either [redacted] but she has no knowledge concerning the subject matter on which WELLS was dictating. WELLS was in SULLIVAN's office quite often and she knew it was in connection with a "special project" but she did not know at the time what that project entailed. She further stated to the interviewing Agents that she does not know where WELLS got the material from which he was dictating. She stated that she never knew what the "special project" really entailed until she was interviewed by the Inspection Division in May, 1973. b6 b7C

Interviewed on 1/6/75 at Washington, D. C. File # ~~WFO 74-293~~ 72-194

by SAs DENNIS F. HOFFMAN and CHARLES W. HARVEY ~~DFH:lmc~~ Date dictated ~~1/6/75~~

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[redacted] was asked if she was aware of any attempt to reconstruct the records of the special wiretap project in October, 1971, after Mr. SULLIVAN had left the Bureau. She replied that she was not aware of any such attempt and noted that as of that date she did not even know that there were any records of the wiretaps. b6 b7C

[redacted] noted that once Mr. SULLIVAN left the Intelligence Division in July, 1970, to become Assistant to the Director, the visits to the office of the Assistant Director of the Intelligence Division by WELLS ceased. To the best of her knowledge, Mr. SULLIVAN's successor, CHARLES D. BRENNAN, was not associated with the "special project". She stated that she has no information that there were any discussions between or memoranda between WILLIAM C. SULLIVAN and CHARLES D. BRENNAN concerning the project. b6 b7C

[redacted] stated that WILLIAM C. SULLIVAN has never discussed the project with her either during the time that he served in the FBI or in the time since he left the FBI. b6 b7C

In response to a question, [redacted] stated that she cannot in any way associate ROBERT C. MARDIAN with the "special project" nor can she even recall that MARDIAN was ever in the office of the Assistant Director of the Intelligence Division during the time that SULLIVAN was Assistant Director. [redacted] noted that she did not handle incoming telephone calls to Mr. SULLIVAN. The incoming telephone calls would be handled by [redacted] a female clerk named [redacted] or a male clerk whose name [redacted] does not recall. b6 b7C

[redacted] stated that she cannot furnish any information regarding the removal of any records concerning the "special project" from the FBI to the White House and that, in fact, the first time she knew about any such records at the White House was when then Acting FBI Director WILLIAM D. RUCKELSHAUS issued his press release concerning those records in May, 1973. b6 b7C

[redacted] was shown a list of 17 names and it was pointed out to her that the individuals listed were those who were subject to wiretap by the FBI at various times b6 b7C

between 1969 and 1971 at the request of the White House. After viewing the list, [redacted] stated that the names on the list are familiar to her from having read news media accounts of the wiretaps subsequent to the time that the information regarding those wiretaps was made public. However, she cannot associate any of the names on the list with anything she handled in connection with her employment as Administrative Assistant to the Assistant Director of the Intelligence Division. It is possible that she might have seen some of these names on memoranda within her office but even if she had the names would not have meant anything to her in relation to any "special project". b6 b7C

[redacted] was shown Xerox copies of the following six documents: b6 b7C

1) A letter to HENRY A. KISSINGER from J. EDGAR HOOVER dated July 25, 1969, bearing the handwritten notations "Specov" and "June". The letter bears the notation "Return to Miss GANDY For Retention".

2) A letter to HENRY A. KISSINGER from J. EDGAR HOOVER dated August 1, 1969, bearing the handwritten notation "Specov" and "June". This letter also bears the notation "To Be Retained By Miss GANDY".

3) A letter to HENRY A. KISSINGER from J. EDGAR HOOVER dated August 22, 1969, bearing the handwritten notation "Specov" and "June". The document is also marked "To Be Retained By Miss GANDY".

4) A letter to RICHARD M. NIXON from J. EDGAR HOOVER dated October 24, 1969, bearing the handwritten notation "Specov" and "June". This letter is also marked "To Be Retained By Miss GANDY".

5) A letter to HENRY A. KISSINGER from J. EDGAR HOOVER dated December 3, 1969, bearing the handwritten notation "Specov" and "June".

6) A letter to H. R. HALDEMAN from J. EDGAR HOOVER dated June 2, 1970, bearing the handwritten notation "Specov".

After viewing the above described documents, Mrs. [redacted] stated that she had never seen any of them before and further stated that she cannot ever recall seeing any mail that was marked "Return To Miss GANDY For Retention". b6 b7C

[redacted] was shown Xerox copies of the following five memoranda from W. C. SULLIVAN to C. D. DeLOACH: b6 b7C

1) A memorandum dated May 15, 1969, entitled "Colonel ALEXANDER HAIG; Technical Surveillance Requests".

2) A memorandum dated July 10, 1969, entitled "Colonel ALEXANDER M. HAIG; Technical Surveillance Requests".

3) A memorandum dated September 15, 1969, entitled "Sensitive White House Technical Surveillances".

4) A memorandum dated December 30, 1969, entitled "Brigadier General ALEXANDER M. HAIG; Request for Technical Surveillance".

5) A memorandum dated May 12, 1970, entitled "Brigadier General ALEXANDER M. HAIG; Request for Technical Surveillance".

After viewing the above described memoranda, Mrs. [redacted] stated that she had never seen any of them previously and she stated that these memoranda were probably hand carried inasmuch as they apparently dealt with a very sensitive item. [redacted] stated that she remembers Colonel HAIG visiting WILLIAM C. SULLIVAN in his office while he was Assistant Director in Charge of the Intelligence Division. She believes that Colonel HAIG was in SULLIVAN's office on two occasions but she does not recall now when the visits took place nor does she have any information concerning the purpose of HAIG's visits. b6 b7C

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b7C
[redacted] was shown a Xerox copy of an undated note of former WFO Supervisor COURTLAND JONES concerning a physical surveillance at the Occidental Restaurant in Washington D. C. (WDC), on August 6, 1969. After reading this note, [redacted] stated that she had never seen it before and that she has no knowledge concerning it.

[redacted] was shown a series of six eight by ten black and white photographs taken during the physical surveillance referred to in the note that was shown to her. After viewing the photographs, [redacted] stated that she had never seen them before and that the photographs mean nothing to her. She further stated that she is not aware that any physical surveillances were conducted in connection with the "special project." b6 b7C

[redacted] stated that the names [redacted] and [redacted] are totally unfamiliar to her. With regard to the delivery of daily envelopes from WFO to SULLIVAN's office concerning the "special project" she only recalls that a "white haired man" or a girl from WFO would deliver the envelope. She has no recollection that COURTLAND J. JONES ever delivered any envelopes although she does recall JONES being in SULLIVAN's office complex on occasion for meetings. She stated that usually JONES would see [redacted] Mrs. [redacted] cannot associate COURTLAND J. JONES with the "special project". b6 b7C

[redacted] was asked whether she had overheard or been party to any discussions concerning the fact that attorneys for DANIEL ELLSBERG had alleged during the course of ELLSBERG's removal hearing in Boston, Massachusetts, on August 4, 1971, that part of the Government's case against ELLSBERG was based on information obtained from wiretaps. [redacted] stated that she has no information that any such discussion took place among Bureau supervisors and further noted that if such a thing was discussed she would not be in the room during such a discussion. She further noted that her duties did not involve the handling of the ELLSBERG case and the actual specifics of that case would have meant nothing to her. b6 b7C

[redacted] was shown Xerox copies of the following memoranda concerning the results of electronic surveillance (elsur) indices checks made in connection with the ELLSBERG case: b6 b7C

1) A memorandum dated July 13, 1971, to the Assistant Attorney General, Internal Security Division, from the Director, FBI, entitled "DANIEL ELLSBERG; Electronic Surveillance".

2) A memorandum dated July 16, 1971, to the Assistant Attorney General, Internal Security Division, from the Director, FBI, entitled "Electronic Surveillance Information Request: [redacted] also known as [redacted] et al". b6 b7C

3) A memorandum dated June 5, 1972, to the Acting Assistant Attorney General, Internal Security Division, from the Acting Director, FBI, entitled "United States versus ANTHONY JOSEPH RUSSO, JR., and DANIEL ELLSBERG; Electronic Surveillance".

4) A memorandum dated February 21, 1973, to the Assistant Attorney General, Internal Security Division, from the Acting Director, FBI, entitled "United States versus ANTHONY JOSEPH RUSSO, JR., and DANIEL ELLSBERG; Electronic Surveillance".

After viewing the above described memoranda, Mrs. [redacted] stated that she had never seen them before. She noted that that type of memoranda would probably go to the desk of the Assistant Director in Charge of the Intelligence Division for approval. However, such memoranda would not come to her, even for proofreading. b6 b7C

[redacted] was asked when she first became aware of the fact that MORTON HALPERIN had been subject to direct wiretap by the FBI and that DANIEL ELLSBERG had been overheard on that wiretap. [redacted] stated that she cannot recall that she ever really became aware of the fact that MORTON HALPERIN had been subject to wiretap or that DANIEL ELLSBERG had been overheard on an FBI wiretap because the ELLSBERG case never meant that much to her and she really never had anything to do with it. She did state that she recalls that a Departmental attorney called E. S. MILLER at some time while he was Assistant Director of the Intelligence Division to inform MILLER that there was some problem with the ELLSBERG case. She recalls this because Mr. MILLER buzzed her to pick up the telephone and make a rough draft note of the details being furnished by the Departmental attorney. Mrs. [redacted] stated that she cannot state that this telephone call concerned an overhear of DANIEL ELLSBERG on an FBI wiretap but only that there was some problem with the ELLSBERG case. To the best of her recollection, the Departmental attorney's b6 b7C

last name began with a "B".

[redacted] was asked if she had any information concerning an alleged confrontation between J. EDGAR HOOVER and RICHARD G. KLEINDIENST in October, 1971, which was allegedly triggered by KLEINDIENST's statement that he would welcome a Congressional investigation of the FBI and HOOVER's subsequent threat to reveal the existence of the White House ordered wiretaps. [redacted] replied that she had never heard of any such confrontation between HOOVER and KLEINDIENST. b6 b7C

[redacted] was shown a Xerox copy of an article which appeared in the February 14, 1973, edition of The Washingt Post. The article is entitled "Data From Security Taps Reported Given LIDDY, HUNT". After reviewing the article, [redacted] stated that she does not recall having seen this article previously and that she can recall no discussion within the Intelligence Division concerning such an article. It is her recollection that she first read about the allegations of FBI wiretaps at the request of the White House in a Time magazine article. b6 b7C

[redacted] was then shown a Xerox copy of an article which appeared in the March 5, 1973, issue of Time magazine entitled "The Administration: Questions About GRAY". After viewing this article, [redacted] stated that she remembers reading this article and believes that she read it at work. However, she does not remember any discussion within the Intelligence Division regarding the article nor does she recall that the article caused any concern within the Intelligence Division. b6 b7C

In response to a question, [redacted] stated that she has never heard that then Acting FBI Director L. PATRICK GRAY personally checked the elsur indices at FBIHQ nor has she ever heard that E. S. MILLER and T. J. SMITH took the elsur indices to Mr. GRAY. She noted that she has never seen the elsur indices and that the indices are not maintained in the office in which she works. b6 b7C

[redacted] was shown a copy of a memorandum dated March 6, 1973, entitled "Personal Reminder For Mr. GRAY". After reading this memorandum, [redacted] stated that she had never seen it before. She further noted that matters concerning b6 b7C

electronic surveillance would not be discussed with her by her superiors.

[redacted] stated that she does recall that L. PATRICK GRAY was in the office on a couple of occasions during the time that E. S. MILLER was Assistant Director of the Intelligence Division. However, she does not know the purpose of these visits. She does know that one of these visits took place while Mr. GRAY's confirmation hearings to be Director of the FBI were on-going because one of the girls in the office asked Mr. GRAY, "Are they giving you a hard time up there", to which Mr. GRAY replied, "Yes, but I never mind a good fight". b6 b7C

[redacted] was shown a Xerox copy of a four page memorandum dated February 26, 1973, entitled "Re: New York Times and Washington Post Articles Concerning Alleged Wiretaps on Newsmen". After having been shown a copy of the memorandum, [redacted] stated that she does not recall ever having seen it before. She further stated that she definitely did not type the memorandum. [redacted] pointed out that T. J. SMITH could type very well himself. b6 b7C

In response to a question, [redacted] stated that she does not recall any discussions among Bureau personnel that L. PATRICK GRAY had committed perjury during his confirmation hearings to be Director of the FBI. The only thing she recalls concerning the confirmation hearings is someone in the office stating at the end of the hearings that things had not gone well for Mr. GRAY. When she heard that remark, it was the first she knew of any problem concerning Mr. GRAY's confirmation. b6 b7C

[redacted] stated that she has no information concerning the handling of the transcripts of Mr. GRAY's testimoney during his confirmation hearings within the Intelligence Division. [redacted] noted that her office was on the 10th floor of the Federal Triangle Building while the office of T. J. SMITH was on the 7th floor. If SMITH was handling the transcripts of the hearings they would have been delivered directly to his office. If Mr. MILLER was receiving copies of the transcripts, then T. J. SMITH would have taken them to Mr. MILLER himself. b6 b7C

[redacted] stated that she has no knowledge that E. S. MILLER or T. J. SMITH briefed then Acting Director WILLIAM D. RUCKELSHAUS concerning the ELLSBERG case shortly after Mr. RUCKELSHAUS became Acting Director of the FBI. b6 b7C

[redacted] stated that she has no knowledge that WILLIAM C. SULLIVAN telephonically contacted then Acting FBI Director WILLIAM D. RUCKELSHAUS to "tip him off" that ROBERT C. MARDIAN should be interviewed at the time that Mr. RUCKELSHAUS was instituting his investigation to locate the missing wiretap records. b6 b7C

[redacted] stated that she has never had any discussions with WILLIAM C. SULLIVAN concerning the subject matter about which she has been questioned by the interviewing Agents. b6 b7C

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/8/75

1

Mr. JOHN H. DAVITT, Chief, Internal Security Section, United States Department of Justice (USDJ), Room 200, Federal Triangle Building, 9th and D Streets, N.W., Washington, D. C. (WDC), was advised of the official identities of the interviewing Agents as well as the fact that they, at the request of the Watergate Special Prosecution Force (WSPF), desired to question him concerning the preparation of a letter dated March 1, 1973, to Senator EDWARD M. KENNEDY from then Attorney General RICHARD G. KLEINDIENST. Mr. DAVITT furnished the following information:

During the period in question, A. WILLIAM OLSON was Assistant Attorney General in Charge of the Internal Security Division and he (DAVITT) was Acting Deputy Assistant Attorney General.

On March 1, 1973, Mr. OLSON came to his (DAVITT's) office and stated he needed to have a letter prepared for Mr. KLEINDIENST's signature in response to a letter from Senator KENNEDY dated February 27, 1973, which expressed the Senator's concern with respect to an article appearing in the March 5, 1973, issue of Time magazine concerning the electronic surveillance of newsmen and White House staff members. Mr. OLSON was in a "great hurry" to have the letter prepared, possibly because the confirmation hearings of L. PATRICK GRAY, III, as FBI Director were on going at that time or were imminent. It was obvious that Mr. OLSON had spoken personally with Mr. KLEINDIENST concerning the matter, but he (DAVITT) had no personal contact with Mr. KLEINDIENST concerning same. Mr. OLSON, upon arrival in his (DAVITT's) office on that day (March 1, 1973), began by stating to the effect, "Here's what KLEINDIENST wants to say." Thereupon, Mr. OLSON proceeded to more or less dictate to Mr. DAVITT the substance of the letter.

At this point in the interview of Mr. DAVITT, he displayed to the interviewing Agents two pages of notes he had taken during OLSON's instructions concerning the substance of the letter he (DAVITT) was to prepare. "Translated," these notes read as follows:

Interviewed on 1/7/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and DENNIS F. HOFFMAN CWH:lmc Date dictated 1/8/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

"Acknowledge KENNEDY's concern for story as I (KLEINDIENST) was too. As a result (KLEINDIEST) conducted an immediate investigation. Talked to GRAY and MITCHELL and issued statement which apparently KENNEDY didn't see. Enclose copy of statement. During period covered only taps were Title III or national security taps. Procedure during MITCHELL and KLEINDIENST period provided no wiretaps conducted without express authority of Attorney General requests made by Director of FBI. We have reviewed all such authorizations during subject period and no authorizations for wiretapping of reporters."

Mr. DAVITT explained that such outgoing letters consisted of an original and one thin carbon copy (referred to as a courtesy copy) which were sent to the addressee; the author of the letter would maintain a copy for his "chron" file; and a yellow copy was directed to the Department's records and files located in the Administrative Branch. This latter copy should, in the case of the letter in question, bear the initials of DAVITT, OLSON, and KLEINDIENST. Also, copies of the letter were designated for the Correspondence Control File as well as to Mr. OLSON and Mr. KEVIN MARONEY.

Mr. DAVITT displayed his yellow "chron" copy to which his secretary, [redacted] had attached Xerox copies of the aforementioned Time article and a Department press release dated February 26, 1973. b6 b7C

Mr. DAVITT continued as follows:

Upon receiving the above noted instructions from OLSON, he prepared the desired letter utilizing the above notes. To the best of his recollection, OLSON issued the instructions during the late afternoon of March 1, 1973, and, upon DAVITT's drafting of the letter, it was typed by [redacted] That same day, at approximately 5:00-5:30 p.m., Mr. OLSON returned to DAVITT's office, picked up the letter, and hand delivered it to Mr. KLEINDIENST. His (DAVITT's) role in preparing the letter was that of "sort of a secretary to OLSON." Prior to OLSON's instructions concerning the letter, he (DAVITT) had never previously observed the Time article in question. b6 b7C

In response to specific questions, Mr. DAVITT provided the following additional information:

He does not know whether Mr. KLEINDIENST talked with Mr. GRAY concerning the Time article or wiretap issue.

He does not know who, if anyone, contacted Mr. GRAY and/or Mr. MITCHELL concerning the matter nor does he know who searched Departmental records concerning the wiretap authorizations in question.

He neither participated in nor heard any discussions relative to the fact that GRAY may have committed perjury during his confirmation hearings with respect to his testimony concerning the wiretaps referred to in the Time article.

Mr. DAVITT furnished one Xerox copy of each of the following documents:

1) Department of Justice press release dated February 26, 1973.

2) Letter dated February 27, 1973, from Senator KENNEDY to Mr. KLEINDIENST.

3) His (DAVITT's) "chron" copy of the letter dated March 1, 1973, from Mr. KLEINDIENST to Senator KENNEDY.

4) His (DAVITT's) two pages of notes reflecting OLSON's instructions concerning preparation of the letter described in number three above.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/10/75

1

On January 9, 1975, a review of the originals of the below described documents was conducted and the following observations were noted:

1) Memorandum from T. J. SMITH to Mr. E. S. MILLER, dated March 9, 1973, and captioned "Contingency Plans for Handling Terrorist Attacks." This document, which is serialized as serial number 2176X in Bureau file 105-1863, is nine pages in length, and the copy count on page one reflects that one copy of the memorandum was designated for each of the following individuals:

N. P. CALLAHAN
I. W. CONRAD [redacted] b6 b7C
T. J. JENKINS [redacted]
R. E. GEBHARDT [redacted]
E. S. MILLER
F. S. PUTMAN (BELANGER)
T. J. SMITH
[redacted]

The bottom of page eight of this memorandum bears the initials "EM" and the lower portion of page nine bears the following initials:

"F"
"NPC"
"WGC"
"DDK".

A blockstamp on the reverse side of page one of this memorandum indicates that it was received in the Director's Office at 5:52 p.m. on March12, 1973.

2) Memorandum from W. O. CREGAR to Mr. E. S. MILLER, dated March 12, 1973, and captioned "Cabinet Committee to Combat Terrorism." The upper right corner of page one of this three page memorandum reflects that one copy of this memorandum was designated for each of the following individuals:

Interviewed on 1/9/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 1/10/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

N. P. CALLAHAN
CONRAD
GEBHARDT
JENKINS
E. S. MILLER
F. S. PUTMAN
W. O. CREGAR.

This memorandum is serialized as serial 25X in Bureau file 62-115360 and has as an attachment a nine page draft, dated March 13, 1973, and captioned "Improvement of Security in the United States". The bottom portion of page three of this memorandum bears the following initials:

"EM"
"DDK"
"F".

There is no blockstamp on this memorandum reflecting that it was ever received in the Director's Office, but a blockstamp on the reverse side of page one of the memorandum indicates that it was received in the office of the Associate Director at 12:54 p.m. on March 12, 1973.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/15/75

1

On January 15, 1975, SA CHARLES A. NUZUM, Supervisor, Accounting and Fraud Section, FBI Headquarters (FBIHQ), Room 5151, J. Edgar Hoover Building, permitted a review of a 13 page transcript reflecting a conversation which occurred on September 29, 1972, between former Acting Director L. PATRICK GRAY, III, and former Special Agent in Charge (SAC) of the Washington Field Office (WFO) ROBERT G. KUNKEL. Also, the actual tape recording of this conversation was monitored simultaneously with the review of the transcript and no significant discrepancies were noted. The conversation in question exclusively concerned an in-house personnel and disciplinary matter involving [redacted] b6 b7D There was no mention whatsoever of anything dealing with the so-called White House ordered 17 wiretaps.

A buck slip attached to the transcript bore the notation, in red ink, "For Mr. FELT's Info, GIII, 10/2, 10:34p." A cover sheet attached to the transcript indicated that, in addition to Misters GRAY and KUNKEL, then Assistant Director DWIGHT J. DALBEY was also present.

Interviewed on 1/15/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 1/15/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency. 31

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/23/75

1

Special Agent (SA) JAMES L. WILLIAMSON, who is currently assigned to the FBI's Omaha Field Office, was advised of the nature of the two areas of investigation being conducted at the request of the Watergate Special Prosecution Force (WSPF), i.e., the so-called White House ordered 17 wiretaps and the allegation that former Acting Director L. PATRICK GRAY, III, committed perjury during his confirmation hearings before the Senate Judiciary Committee with respect to his testimony concerning these wiretaps. Thereafter, SA WILLIAMSON furnished the following information:

He has been a SA of the FBI for nearly 19 years. From August, 1967, until January, 1975, he was assigned to FBI Headquarters (FBIHQ). During that period, from August, 1967, until March, 1974, he was assigned to the Legal Research Unit of the Training Division which unit eventually developed into the Legal Counsel Division and, from March, 1974, until the first part of January, 1975, he was assigned to the Bureau's Inspection Staff. While assigned to the Legal Counsel Division, his duties primarily entailed the handling of civil suits against the Bureau and/or Bureau Agents. His transfer to the Omaha Division became effective in mid-January, 1975.

He first became aware of the fact that MORTON H. HALPERIN had been the subject of a direct Bureau wiretap sometime shortly after former Acting Director WILLIAM D. RUCKELSHAUS recovered certain documents and wiretap records dealing with the White House ordered wiretaps from the White House in May, 1973. At that time, HALPERIN filed a civil suit in the United States District Court (USDC), Washington, D. C. (WDC), in connection with having been wiretapped and, specifically, it was through the filing of these papers that he (WILLIAMSON) became aware of the fact that HALPERIN had been the subject of a Bureau wiretap. HALPERIN also filed a motion with the Court requesting the court to take immediate possession of the originals of the wiretap records involved to protect them from loss. This latter matter came up for a hearing within a few days and he (WILLIAMSON) handled it for the Office of Legal

Interviewed on 1/22/75 at Washington, D. C. File # WFO 74-293 72-194

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 1/23/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Counsel. In this regard, he prepared an affidavit for Acting Director RUCKELSHAUS to the effect that since the records had been retrieved from the White House and were in the Bureau's custody, then there would be no need to turn them over to the Court, noting that the records would be available for any civil litigation. This affidavit was then transmitted to the Department where it was handled by Department Attorney EDWARD CHRISTENBURY of the then Internal Security Division (ISD). The Court ruled in HALPERIN's favor and ordered the originals of the wiretap records relating to HALPERIN to be turned over to the Court. After some discussion, it was decided that the Government would not appeal this ruling whereupon he (WILLIAMSON) reviewed the material retrieved from the White House and selected those portions he felt had to be turned over to the Court. These records were then packaged up and delivered to the clerk of the USDC, WDC, by SA WILLIAMSON and CHRISTENBURY.

Subsequent to the delivery of these records, he and CHRISTENBURY reviewed the Court order again and determined that other material could fall within the scope of the order. Thereafter, he (WILLIAMSON) reviewed the wiretap records again and, subsequently, delivered a second package of the material to the clerk of the Court.

Concerning when he first became aware of the fact that DANIEL ELLSBERG had been overheard on the HALPERIN wiretap, SA WILLIAMSON was unable to recall when he first learned about this, but he would "guess" that it must have been during his review of the HALPERIN wiretap material.

SA WILLIAMSON was exhibited Xerox copies of the Bureau file copies of the following documents:

1) A one page memorandum dated September 22, 1972, to the Acting Director, Federal Bureau of Investigation, Attention: Office of Legal Counsel, from A. WILLIAM OLSON, Internal Security Division, and captioned "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C.) Civil Action No. 1879-72." Attached to this memorandum were copies of a one page summons, a six page complaint and six pages of interrogatories of the plantiffs to the various defendants.

2) A two page memorandum dated October 26, 1972, to the Assistant Attorney General, Internal Security Division,

from the Acting Director, FBI, captioned the same as number one above.

3) A 19 page FBI letterhead memorandum dated October 18, 1972, captioned the same as number one above. This letterhead memorandum was an enclosure to the memorandum described in number two above.

SA WILLIAMSON furnished the following information concerning these documents:

He prepared the memorandum described in number two above which served as the Bureau's response to the memorandum described in number one above. The following initials appearing on the bottom of page one of the memorandum described in number two above are familiar to him:

"JLW," JAMES L. WILLIAMSON
"EM," EDWARD S. MILLER
"JAM," JOHN A. MINTZ
"DJD," DWIGHT J. DALBEY
"F," W. MARK FELT
"JRW," probably the initials of Division 5 Supervisor JAMES R. WAGONER.

The "F" and the check mark in the box entitled "Mail Room" in the lower left hand corner of page one of the document in question indicate that the memorandum was approved and signed out by former Associate Director W. MARK FELT. He is not familiar with the other initials appearing on page one of this memorandum but speculated that the unidentified initials are probably those of clerical personnel.

He (WILLIAMSON) has no specific recollection of discussing the civil case referred to in the above described documents with anyone in Division 5 but, in general practice, the following procedures were usually followed:

Upon receipt of such a civil complaint from the Department of Justice, the matter was assigned to him (WILLIAMSON). He would review the complaint and, when it became apparent that Division 5 was in possession of the information needed for a response, he would then contact that division and work with them to develop the necessary information to respond to the allegations. In the particular

case in question, since ELLSBERG was the complaintant, he (WILLIAMSON) probably discussed the matter with Division 5 Supervisor JAMES R. WAGONER since WAGONER was the Bureau Supervisor handling the ELLSBERG "Pentagon Papers" case. In such a case, SA WAGONER would conduct the required electronic surveillance checks and prepare the letterhead memorandum reflecting the results of such checks.

If meeting a Departmental deadline in preparing a response (such as requested in the memorandum described in number one above) was not a factor, then the electronic surveillance checks and background material being prepared by Division 5 would flow through normal channels within Division 5 before being transmitted back to the Office of Legal Counsel. That is, Division 5's response would be routed to the Office of the Assistant Director of Division 5 where it would be signed out to the Office of Legal Counsel. In other cases where a deadline had to be met, he (WILLIAMSON) might receive the background material directly from, say WAGONER, whereupon he (WILLIAMSON) would prepare the entire package. In this event, WILLIAMSON's final product would, after being approved by the Assistant Director of the Legal Counsel Division, be "checked out" for approval by the Assistant Director of Division 5 and by Mr. FELT, in that order.

Concerning any contacts he (WILLIAMSON) had with former Bureau Supervisor THOMAS J. SMITH relative to the HALPERIN wiretap and/or ELLSBERG overhears, he (WILLIAMSON) did have several discussions with SMITH inasmuch as the material recovered from the White House was maintained by SMITH. In this regard, his contacts with SMITH primarily concerned the mechanics of surrendering the originals of the HALPERIN related material to the Court.

SA WILLIAMSON was specifically asked whether there was ever any indication given to him by SMITH or anyone else that HALPERIN had been the direct subject of a Bureau wiretap. He replied, "No." He also stated that at no time did anyone indicate there was a "problem" in the ELLSBERG civil case with respect to electronic surveillance matters. He noted that should such a problem have been encountered, then there would have been no recourse except to so inform the Department.

SA WILLIAMSON was exhibited a Xerox copy of the Department's copy of the memorandum described in number two above which bears the initials "LPGIII." SA WILLIAMSON was asked whether Mr. GRAY personally initialed this memorandum. He stated that although the initials in question look like GRAY's handwriting, it is doubtful that GRAY personally signed out this memorandum in view of the previously noted procedure wherein Mr. FELT initialed the memorandum and checked out same to the mail room. SA WILLIAMSON noted that this was a "relatively routine piece of correspondence" which was probably signed out by FELT but the possibility exists that Mr. GRAY could have observed the memorandum.

SA WILLIAMSON was exhibited a Xerox copy of a four page memorandum dated October 21, 1971, from W. MARK FELT to Mr. TOLSON, captioned "Sensitive Coverage Placed at the Request of The White House." He stated he does not recall ever having previously observed this memorandum but, if he did, it was subsequent to former Acting Director RUCKELSHAUS recovering the wiretap material from the White House.

SA WILLIAMSON was also exhibited Xerox copies of the Bureau file copies of the following documents:

1) A one page memorandum dated April 13, 1973, from HENRY E. PETERSEN, Assistant Attorney General, Criminal Division, to the Acting Director, FBI, Attention: Office of Legal Counsel, and captioned "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C.) Civil Action No. 1879-72." Attached to this memorandum were copies of the following documents:

a) One page "Order Compelling Answers to Interrogatories."

b) One page "Stipulation."

c) One page "Motion for Order Compelling Defendants to Answer Interrogatories."

d) Four page "Memorandum in Support of Motion for Order Compelling Defendants to Answer Interrogatories."

2) Another one page memorandum dated April 13, 1973, from HENRY E. PETERSEN, Assistant Attorney General, Criminal Division, to the Acting Director, FBI, Attention: Office of Legal Counsel, and captioned the same as number one above.

3) One page memorandum dated April 27, 1973, from the Acting Director, FBI, to the Assistant Attorney General, Criminal Division, and captioned the same as number one above.

SA WILLIAMSON furnished the following information concerning these documents:

The document described in number one above, in addition to bearing his initials, bears the initials of EDWARD MILLER. Also, the initials immediately adjacent to the stamp "FIVE" located in the lower right hand corner appear to be the initials of JAMES R. WAGONER, "JRW." The "FIVE" stamp was probably placed on the memorandum in the Director's Office.

The document described in number two above bears the initials of JOHN A. MINTZ, "JAM," over the stamp "Legal Counsel."

He (WILLIAMSON) prepared the document described in number three above and MINTZ' initials also appear on this document.

Next, SA WILLIAMSON's attention was directed to a Xerox copy of Mr. GRAY's logs for April 13, 1973, which reflect, in part, that at 10:02 a.m. on that date, Messrs. FELT, CALLAHAN, and WILLIAMSON personally saw Mr. GRAY and that at 10:41 a.m. on the same date, SA WILLIAMSON telephoned Mr. GRAY.

In view of the fact that the memoranda described in numbers one and two above are dated April 13, 1973, the same day that SA WILLIAMSON had personal and telephonic contact with Mr. GRAY, SA WILLIAMSON was asked whether, during his contacts with GRAY on the day in question,

(1) any discussion transpired with respect to what the Bureau's answers should be to the interrogatories described in number one above; (2) whether the previously described FELT to TOLSON memorandum, dated October 21, 1971, was discussed with GRAY; (3) whether there was any discussion with GRAY concerning the ELLSBERG civil suit; and (4) whether there was any discussion concerning electronic surveillance checks which had been previously conducted with regard to HALPERIN and ELLSBERG.

SA WILLIAMSON advised that his contacts with GRAY on April 13, 1973, had nothing whatsoever to do with the ELLSBERG civil suit or any matters pertaining to either ELLSBERG or HALPERIN. He stated that his contacts with GRAY on that date exclusively concerned a personnel matter wherein a Bureau employee had instituted a civil suit against the Bureau in a matter entirely unrelated to the ELLSBERG case and the White House ordered 17 wiretaps.

SA WILLIAMSON's attention was directed to the fact that on August 4, 1971, when ELLSBERG's removal hearing was in progress at Boston, Massachusetts, in connection with the "Pentagon Papers case, ELLSBERG's attorneys alleged that part of the Government's case was based upon information obtained from wiretaps. SA WILLIAMSON was asked whether he was aware of any discussions involving any Bureau personnel wherein concern was expressed that a problem might arise relative to the White House ordered wiretaps. He stated he had no knowledge of any such circumstances and that he definitely was not contacted concerning any "problem" that might have been encountered relative to the removal hearing. He noted that such a problem would not have been handled by the Office of Legal Counsel but, presumably, would have been handled by Division 5.

SA WILLIAMSON was asked whether, during or subsequent to GRAY's confirmation hearings, there were any discussions among any Bureau personnel concerning the fact that GRAY may have committed perjury with respect to his testimony disclaiming any knowledge of any White House ordered wiretaps.

SA WILLIAMSON stated he recalled no such discussions and noted he was not involved in the confirmation hearings.

In this same regard, SA WILLIAMSON stated he does not believe he received or observed any of the transcripts of the hearings and that it would be unusual for him to become involved in any review of the transcripts unless Mr. DALBEY had asked him to be of assistance. He also noted he has no recollection of his assistance being so solicited.

SA WILLIAMSON was asked to describe the scenario when, in May, 1973, the wiretap records were removed from the White House, particularly whether anyone admitted to him that the electronic surveillance checks on ELLSBERG and HALPERIN previously furnished the Department had obviously been inaccurate. In response to this question, SA WILLIAMSON stated that no one approached him in the above described manner and there was no reason for such a situation to occur since the previously conducted electronic surveillance checks were conducted under the premise that the Bureau's electronic surveillance indices were correct. He stated that amendments were filed which made a full disclosure of the information contained in the recovered material.

SA WILLIAMSON was also asked whether he had any knowledge of Mr. GRAY personally conducting a review of the Bureau's electronic surveillance indices on March 2, 1973. He replied in the negative.

SA WILLIAMSON was exhibited a Xerox copy of an article appearing in the March 5, 1973, issue of Time magazine which was entitled "The Administration, Questions About GRAY." He was asked whether he had any knowledge that this article caused any concern in the Bureau to the effect that the allegations in the article concerning the White House ordered wiretaps may have been credible. He stated he was aware of no such discussions wherein such concern was expressed and that he was not called upon to prepare any material in connection with the article. He noted that he probably read the article at the time it was published but that he is unable to recall his impression of same.

SA WILLIAMSON was also asked whether he or anyone else in the Office of Legal Counsel had occasion to review the personnel file of WILLIAM C. SULLIVAN, particularly in relation to the removal from the FBI of the wiretap records. He stated he conducted no such review, that he is not aware

that anyone did conduct such a review, and that he can think of no reason why such a review would have been conducted. Also, he is unable to associate former Assistant Director CHARLES D. BRENNAN with anything involving the White House ordered wiretaps in question.

In conclusion, SA WILLIAMSON stated he was never asked by anyone to "cover" the disclosure of an electronic surveillance overhear.

FD-6 (Rev. 5-22-64)

FBI

Date: 2/13/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293) (P)

LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND
FRAUD SECTION - WATERGATE UNIT)
(OO:WFO)

Re WFO report of SAs CHARLES W. HARVEY and ANGELO J. LANO, dated 1/23/75.

Enclosed for the Bureau are the original and four copies of an LHM setting forth the results of additional investigation requested by the Watergate Special Prosecution Force (WSPF).

ADMINISTRATIVE:

As reflected in the enclosed LHM, the investigation reflected therein was requested by Assistant Special Prosecutor FRANK MARTIN, WSPF, on 2/6/75. On the same date, Mr. MARTIN's requests were discussed by SA CHARLES W. HARVEY, WFO, with Bureau Supervisor CHARLES A. NUZUM, Accounting and Fraud Section, Watergate Unit, and it was decided that WFO would deal directly with Division 5 in handling Mr. MARTIN's requests.

REC-106 72-2202-12 FEB 19 1975

REQUEST OF THE BUREAU:

The Watergate Unit is requested to disseminate copies of the enclosed LHM to the WSPF, Attention: Assistant Special Prosecutor FRANK MARTIN.

ENCLOSURES

2-Bureau (Encs. 5)
2-WFO
(1-72-194)
CWH:lmc
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

84 FEB 20 1975

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Washington, D. C. 20535
February 13, 1975

LOUIS PATRICK GRAY, III
PERJURY

On February 6, 1975, Assistant Special Prosecutor Frank Martin, Watergate Special Prosecution Force (WSPF), requested that investigation be conducted with respect to the handling of certain documents by Bureau personnel relative to the civil suit captioned "Daniel Ellsberg, et al. v. John N. Mitchell, et al. (D.D.C) Civil Action Number 1879-72."

Set forth hereinafter are the results of the investigation requested by Mr. Martin:

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

72-2202-12
ENCLOSURE

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/75

1

Special Agent (SA) Supervisor WILLIAM W. HAMILTON, Division Five, FBI Headquarters (FBIHQ), Room 4049, J. Edgar Hoover Building, telephone number 324-4628, permitted a review of FBIHQ file 65-74060 and the following observations were noted with respect to three serials, all of which are serialized as number 4050 and all of which are captioned, "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C.) Civil Action No. 1879-72:"

1) A one page letter, blue in color, dated September 22, 1972, from A. WILLIAM OLSON, Assistant Attorney General, Internal Security Division, to the Acting Director, FBI, Attention: Office of Legal Counsel.

The only time stamp on this document appears on the backside of same and reflects that the document was received in the Office of Legal Counsel at 5:11 p.m. on September 25, 1972.

2) The yellow copy of 19 page letterhead memorandum, dated October 18, 1972.

The reverse side of page one of this letterhead memorandum bears a time stamp reflecting that the document was received in the office of E. S. MILLER at 11:41 a.m. on October 18, 1972. The front side of page one of this letterhead memorandum bears the following handwritten initials:

"mah"
"EM"
"JAM"
"JRW"
"F"

3) The yellow copy of a two page letter dated October 26, 1972, from the Acting Director, FBI, to the Assistant Attorney General, Internal Security Division. The front side of page one of this letter bears the following handwritten initials:

Interviewed on 2/10 and 12/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 2/13/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

"JLW"
"deh"
"F"
"EM"
"JRW"
"JAM"
"DJD".

Time stamps on the reverse side of page one of this letter reflected that it was received in the office of E. S. MILLER at 11:54 a.m. on October 25, 1972; in the office of the Associate Director at 8:19 a.m. on October 26, 1972; in the Reading Room at 3:07 p.m. on October 26, 1972; and in the Office of Legal Counsel at 9:00 a.m. on October 27, 1972.

Located in the same section of the FBIHQ file, immediately "under" the letter described in number one above, is a manila envelope marked "Enclosure" which contains a copy of a summons relating to the aforementioned civil case. Attached to this summons are copies of a four page complaint and six pages of interrogatories. Written in the left hand column adjacent to paragraph "h" on page two of the first set of interrogatories is the notation "See b" and appearing by paragraph "i" on the same page is a check mark. Both the notation and check mark are written in pencil.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/75

1

Special Agent (SA) Supervisor WILLIAM W. HAMILTON, Division Five, FBI Headquarters (FBIHQ), Room 4049, J. Edgar Hoover Building, telephone number 324-4628, was exhibited the below described serials, all of which are serialized as serial number 4050 and FBIHQ file 65-74060 and all of which are captioned, "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C.) Civil Action No. 1879-72:

1) A one page letter, blue in color, dated September 22, 1972, from A. WILLIAM OLSON, Assistant Attorney General, Internal Security Division, to the Acting Director, FBI, Attention: Office of Legal Counsel.

Located in the same file under this letter is a manila envelope marked "Enclosure" which contains copies of a summons, a four page complaint, and six pages of interrogatories relating to the same matter.

2) The yellow copy of a 19 page letterhead memorandum (LHM), dated October 18, 1972.

3) The yellow copy of a two page letter dated October 26, 1972, from Acting Director, FBI, to the Assistant Attorney General, Internal Security Division.

SA HAMILTON's attention was directed to the fact that the letter and LHM described respectively in numbers two and three above were in response to the Departmental letter described in number one above and that the Bureau's response (number two above) was approved and "signed out" by then Associate FBI Director W. MARK FELT. SA HAMILTON was asked whether, when FELT signed out the letter described in number two above, the Departmental letter described in number one above was attached as "background." SA HAMILTON advised that all the documents described above were probably attached to each other since normal procedure dictates that the incoming letter (number one above) be attached to the outgoing response (numbers two and three above) as background.

referred to in number one above, SA HAMILTON stated that he does not know whether these documents were also attached to the other documents as "background" when the entire package was forwarded to the office of the Associate Director where it was signed out.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/75

1

JOHN A. MINTZ, Assistant Director (AD), Legal Counsel Division, FBI Headquarters (FBIHQ), Room 5640, Justice Building, was exhibited the below described serials, all of which are serialized as serial number 4050 and FBIHQ file 65-74060 and all of which are captioned "DANIEL ELLSBERG, et al. v. JOHN N. MITCHELL, et al. (D.D.C) Civil Action No. 1879-72:"

1) A one page letter, blue in color, dated September 22, 1972, from A. WILLIAM OLSON, Assistant Attorney General, Internal Security Division, to the Acting Director, FBI, Attention: Office of Legal Counsel.

Located in the same file under this letter is a manila envelope marked "Enclosure" which contains copies of a summons, a four page complaint, and six pages of interrogatories relating to the same matter.

2) The yellow copy of a 19 page letterhead memorandum (LHM), dated October 18, 1972.

3) The yellow copy of a two page letter dated October 26, 1972, from Acting Director, FBI, to the Assistant Attorney General, Internal Security Division.

AD MINTZ' attention was directed to the fact that the letter and LHM described respectively in numbers two and three above were in response to the Departmental letter described in number one above and that the Bureau's response (number two above) was approved and "signed out" by then Associate FBI Director W. MARK FELT. AD MINTZ was asked whether, when FELT signed out the letter described in number two above, the Departmental letter described in number one above was attached as "background." AD MINTZ advised that "routinely" an incoming request, as reflected in number one above, is always attached to the outgoing response. This has always been his practice and, since the request required a specific response, the documents in question were probably attached to each other even though there is no way to prove same nor is there any specific Bureau rule governing same.

Interviewed on 2/10 and 12/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 2/13/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

With respect to the summons, complaint, and interrogatories referred to in number one above, AD MINTZ advised that these legal documents were "very likely" attached to the other correspondence when the package was forwarded to the office of the Associate Director to be signed out. Also, to substantiate this contention, AD MINTZ noted that the outgoing letter (number three above) makes specific references to various paragraphs in the complaint. He noted, however, that there was no way to positively prove that the legal documents in question were in fact part of the package sent to the office of the Associate Director.

AD MINTZ' attention was directed to the pencil notations appearing in the left hand column adjacent to paragraphs "h" and "i" on page two of the first set of interrogatories. AD MINTZ, after reviewing the documents in question, concluded that these pencil notations were probably made by Division Five Supervisor JAMES R. WAGONER or someone working for WAGONER inasmuch as WAGONER prepared the October 18, 1972, LHM responding to the interrogatories.

FD-36 (Rev. 5-22-64)

F B I

Date: 3/11/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293) (P)

LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND
FRAUD SECTION-WATERGATE UNIT)
(OO:WFO)

Enclosed for the Bureau are the original and three copies of an LHM reflecting investigation conducted in response to a request of the Watergate Special Prosecution Force (WSPF).

ADMINISTRATIVE:

The interview of Mrs. ERMA D. METCALF, the Director's secretary, which is incorporated into the enclosed LHM, was coordinated through Bureau Supervisor [redacted] Accounting and Fraud Section-Watergate Unit.

b6
b7C

REQUEST OF THE BUREAU:

The Watergate Unit is requested to disseminate copies of the enclosed LHM to the WSPF, Attention: Assistant Special Prosecutor FRANK MARTIN.

REC- 106

72-220213

12 MAR 13 1975

2 WSPF Attn Frank Martin
0-14(1) 3/17/75

2-Bureau (Enc. 4) (Hand Carry)
1-WFO
CWH:lmc
(3)

1 ENCLOSURE

Approved: _____ Sent _____ M Per _____

84 MAR 14 1975 Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Washington, D. C. 20535
March 11, 1975

In Reply, Please Refer to File No.

LOUIS PATRICK GRAY, III
PERJURY

The following investigation was conducted by Special Agents of the FBI in conformance with a request made by Assistant Special Prosecutor Frank Martin, Watergate Special Prosecution Force (WSPF), on March 10, 1975, that investigation be conducted to determine the location of any logs which may have been maintained during L. Patrick Gray's tenure as Acting FBI Director with respect to the identification of Bureau mail incoming to and outgoing from Mr. Gray's office.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

72-2202-13

ENCLOSURE

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/11/75

1

Mrs. ERMA D. METCALF, Secretary to FBI Director CLARENCE M. KELLEY, Room 5633, Department of Justice Building, was advised of the nature of the inquiry being conducted at the request of the Watergate Special Prosecution Force (WSPF), and, thereafter, furnished the following information:

She is aware that, during the tenure of L. PATRICK GRAY, III, as Acting Director of the FBI, a log was maintained which served to identify both incoming and outgoing mail to and from the Director's Office. She never personally observed this log but it was her understanding that the log was maintained by [redacted], Secretary to DAVID D. KINLEY, one of Mr. GRAY's administrative assistants. b6 b7C

Mrs. METCALF noted that such a log was not maintained when Mr. HOOVER was Director and that the log was not maintained during the early part of GRAY's tenure.

Interviewed on 3/11/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 3/11/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/11/75

1

[redacted], Civil Division, Room 3613, Department of Justice Building, was advised of the official identities of the interviewing Agents and the nature of the inquiry being conducted at the request of the Watergate Special Prosecution Force (WSPF). Thereafter, she furnished the following information: b6 b7C

During the period L. PATRICK GRAY, III, served as Acting Director of the FBI, she was secretary to DAVID D. KINLEY, one of GRAY's administrative assistants. All Bureau mail routed to the Director's Office was directed to Mr. KINLEY and, shortly after Mr. GRAY assumed the position of Acting Director, she began to maintain a log concerning all Bureau mail incoming to or outgoing from Mr. GRAY's office. The purpose of this log was to keep track of various Bureau memoranda and, in this regard, a particular piece of mail would be identified in the log by the subject matter; the sender; the receiver; the time it left the Director's Office; its destination; and whether Mr. GRAY had approved same. Most of the mail reflected in the log consisted of internal Bureau memoranda which were always time stamped upon receipt in the Director's Office. The log consisted of a black loose-leaf binder which was kept in Mr. KINLEY's office, and no other copies of the log were maintained.

Concerning the disposition of this log, in approximately mid-May, 1973, subsequent to Mr. GRAY's departure from the Bureau, she [redacted] destroyed same by tearing up the pages and placing them in a confidential trash receptacle. b6 b7C

Mr. KINLEY had instructed that the log be destroyed as part of the routine "house-cleaning" which was already in progress and which began earlier when Mr. GRAY resigned from the Bureau. Furthermore, it was believed that the log in question had served its purpose and would be of no future use to anyone else.

Interviewed on 3/11/75 at Washington, D. C. File # WFO 74-293

by SAs CHARLES W. HARVEY and ANGELO J. LANO CWH:lmc Date dictated 3/11/75

3*

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Airtel

6/2/75

To: SACs WFO (74-293) (Encs. 2)
Baltimore (Encs. 2)
Columbia (Encs. 2)
Newark (Encs. 2)
REC-100 New York (Encs. 2)

1 - Mr. Rosenquist

From: Director, FBI (72-2202 —14

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING & FRAUD SECTION - WATERGATE UNIT)
OO: WFO

Enclosed herewith for recipient offices are two copies of Special Prosecutor memorandum dated 5/28/75.

Recipient offices should promptly identify subscribers for the telephone numbers set forth in the enclosed memorandum. Submit results by LHM; four copies to the Bureau. No discussion should be had with USA's Office nor should copies of the LHMs be furnished to the USA.

GDR:cjl (12)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

FBI JUN 3 1975 MAILED 9

JUN 13 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

WATERGATE SPECIAL PROSECUTION FORCE

DEPARTMENT OF JUSTICE

Memorandum

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: May 28, 1975

FROM : Henry S. Ruth, Jr.
Special Prosecutor

SUBJECT: Gray Perjury -- Investigative Report

In connection with the above-captioned investigation, it is requested that the Bureau identify the subscribers in February and March, 1973, for the following telephone numbers:

[redacted]

b6
b7C

EXP. PROC.
MAY 29 1975

REC-100

72-2202-14

5 JUN 3 1975

alt to WFO, [illegible]
2 [illegible]
6/2/75 [illegible]

6-[illegible]

FD-36 (Rev. 5-22-64)

F B I

Date: 6/10/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, NEWARK (74-91) (RUC)

SUBJECT: LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING & FRAUD SECTION-
WATERGATE UNIT)
(OO: WFO)

Re Bureau airtel to WFO, 6/2/75.

Enclosed for the Bureau are four copies of an LHM setting forth results of a telephone subscriber check in the Newark Division for telephone #201-256-7800.

Enclosed for WFO are two copies of above-described LHM.

Investigation in Newark Division determined that telephone #201-256-7800 has been listed to North American Van Lines, U.S. Highway No. 46, Little Falls, N.J., since 5/21/54.

ENCLOSURE

REC-23 72-2202-15

EX-101

JUN 11 1975

2-Bureau (Enc. 4)
1-Baltimore (Info)
1-Columbia (Info)
1-New York (Info)
2-WFO (Enc. 2)
1-Newark
GRD/pfs
(8)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Newark, New Jersey
June 10, 1975

LOUIS PATRICK GRAY, III
PERJURY

A review of the Passaic, New Jersey, Telephone Directory, issued March, 1975, reflects that telephone number 201-256-7800 is listed to North American Van Lines, U.S. Highway Number 46, Little Falls, New Jersey.

On June 9, 1975, custodian of records, New Jersey Bell Telephone Company, Newark, New Jersey, advised that telephone number 201-256-7800 was connected May 21, 1954, and since that date it has been subscribed by North American Van Lines, Highway 46, Little Falls, New Jersey.

This document contains neither recommendations nor conclusions of the FBI. It is the property of t e FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1*
72 - 9209 - 15
ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 6/12/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director Sec'y	

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293)(P)

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT)
(00:WFO)

Re Bureau airtel dated 6/2/75.

Enclosed for the Bureau are the original and four copies of an LHM captioned as above.

ADMINISTRATIVE:

Confidential source mentioned in LHM is [redacted] b7D

REC-89 72-2202-16

EX-108

JUN 17 1975

ENCLOSURE

(2) Bureau (Enc. 5)
1- WFO

AJL:vjf
(3)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

UN :D STATES DEPARTMENT OF STICE

FEDERAL BUREAU OF INVESTIGATION
Washington, D.C. 20535
June 12, 1975

In Reply, Please Refer to File No.

LOUIS PATICK GRAY, III
PERJURY

Pursuant to a request from the Watergate Special Prosecutor dated May 28, 1975, the Washington Field Office determined through available records of that office, that subscribers to telephone numbers set forth in the memorandum of May 28, 1975.

Without having contacted the following persons or businesses and without access to telephone company records for the years 1972 and 1973, the Washington Field Office relied solely upon the 1974 Haines Telephone Directory.

[redacted]	[redacted] b6 b7C Washington, D.C.
393-3430	United Press International 1017 New Jersey Avenue, S.E., Washington, D.C.
232-5431	Calvert Restaurant 1967 Calvert Street, N.W., Washington, D.C.
298-5985	National Rural Letter Carriers 1750 Pennsylvania Avenue, N.W., Washington, D.C.
347-3000	Mayflower Hotel 1127 Connecticut Avenue, N.W., Washington, D.C.
667-1417	Leadership Foundation 2029 Connecticut Avenue, N.W., Washington, D.C.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its property are not to be distributed outside your agency.

ENCLOSURE

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

(72-2202-16

LOUIS PATRICK GRAY, III

On June 11, 1975, a confidential source advised telephone numbers [redacted] and [redacted] are listed as follows: b6 b7C b7D

[redacted]

[redacted]
Washington, D.C.

[redacted]

[redacted]
Washington, D.C.

FD-36 (Rev. 5-22-64)

FBI

Date: 6/12/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, COLUMBIA (74-8) (RUC)

RE: LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING & FRAUD SECTION - WATERGATE UNIT)
(OO: WFO)

Re Bureau airtel to WFO, 6/2/75.

Enclosed for the Bureau are four copies of an LHM reflecting investigation requested in referenced airtel.

The confidential source mentioned in the enclosed LHM is [redacted] b7D

EX-105

ENCLOSURE

REC-5 72-2202-17

22 JUN 16 1975

2 - Bureau (Enc. 4)
1 - Columbia

FJF:aid
(3)

2 - SPF - Attn: Frank Martin
0-14-(1) 6-17-75

56 JUN 30 1975

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Columbia, South Carolina
June 12, 1975

LOUIS PATRICK GRAY, III
PERJURY

Subscriber identification for telephone number [redacted] for the period of February and March 1973 is not available in any commercial publication. b6 b7C

[redacted] is listed in the December 1974 Columbia, South Carolina, telephone directory as subscribed to by [redacted] Columbia, South Carolina. b6 b7C

A confidential source has advised the Columbia Division of the FBI that telephone number [redacted] was subscribed to by [redacted] on July 31, 1972, and that at some unknown date between July 31, 1972, and March 19, 1975, the telephone number subscribed to by [redacted] was changed to [redacted] b6 b7C

This source further advised that it would be impossible to determine the past subscriber to number [redacted] as that number has been re-issued. b6 b7C

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

1*

72-2202-17

ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 6/17/75

Transmit the following in _____ (Type in plaintext or code)

AIRTEL

Via _____ _____ (Priority)

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, NEW YORK (72-258) (RUC)

SUBJECT: LOUIS PATRICK GRAY III
PERJURY
(ACCOUNTING AND FRAUD SECTION-
WATERGATE UNIT)
(OO:WFO)

ReBuairtel, dated 6/2/75.

Enclosed for the Bureau are four copies of an LHM concerning captioned matter; enclosed for WFO is one copy of same LHM.

EX-105

ENCLOSURE

REC-59

72-2202-18

2-Bureau (Encls. 4) (RM)
1-Washington Field (Encl. 1) (RM)
1-New York

VAA:rr
(5)

2cc SPF ATTN: Frank Martin 6-19-75 0-14(1)

6 JUN 19 1975

Approved: _____ Sent _____ M Per _____

84 JUL 15 1975 Special Agent in Charge

U.S. Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New York, New York

JUN 17 1975

In Reply, Please Refer to File No.
Bufile 72-2202
NYfile 72-258

Louis Patrick Gray III
Perjury

The records of the New York Telephone Company show [redacted] Holbrook, New York, as the subscriber of telephone number [redacted] in February and March, 1973. [redacted] is shown as the subscriber to this telephone number from February 17, 1970 through the present time.

b6
b7C

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation (FBI). It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

72-2202-18
-1*-
ENCLOSURE

FD-36 (Rev. 5-22-64)

FBI

Date: 6/3/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO : DIRECTOR, FBI (72-2202)

FROM : SAC, BALTIMORE (74-NEW)

SUBJECT : LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING & FRAUD SECTION -
WATERGATE UNIT)
OO: WFO

Re Bureau airtel dated 6/2/75.

Enclosed are four copies of letterhead memorandum identifying subscribers, as requested in referenced Bureau airtel.

REC-102

72-2202-19

7 JUN 26 1975

ENCLOSURE

2 - Bureau (Enc.4)
1 - Baltimore
THF:cm
(3)

2 LHM SPF attn Frank Martin
0-14
GR/ahc
1 cc airtel + LHM - 5005 JEK
6/9/75

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

84 JUN 27 1975

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Baltimore, Maryland
June 3, 1975

LOUIS PATRICK GRAY, III
PERJURY

Set forth below are the subscribers to telephone numbers as of February and March, 1973:

b6
b7C

[redacted]

72 - - - 19

ENCLOSURE

I-336 (Rev. 7-16-73)

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO. REC- 107 74-293
FBI FILE NO. 72-2202
LATENT CASE NO. B-11985

June 9, 1975

TO: SAC, WFO

RE: LOUIS PATRICK GRAY, III;
PERJURY
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT)

REFERENCE: Airtel 5/20/75 and specimens delivered 5/27/75
EXAMINATION REQUESTED BY: WFO
SPECIMENS: Twenty-four pages of wiretap summaries

MAILED 11
JUN 9 1975
FBI

Forty-four latent fingerprints, three latent palm prints, and one latent impression of value were developed on sixteen pages of summaries. No latent prints of value were developed on remaining pages. Six latent fingerprints are from tip areas of fingers and one latent fingerprint is from lower joint area of finger. Latent impression is either fingerprint or partial palm print.

See attached pages for results of comparisons of twenty-five latent fingerprints.

Twelve latent fingerprints are not identical fingerprints of Louis Patrick Gray, III; David Reginald Young, [redacted]

b6
b7C

(Continued on next page)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____

Enc. (24)
1 - SA Glenn D. Rosenquist
Room 5005 JEH
JEJ:psp
(8)

Clarence M. Kelley, Director

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MAIL ROOM ☑ TELETYPE UNIT ☐

JUN 14 1975

John Daniel Ehrlichman, FBI #251121L10; or fingerprints of the eight other named individuals.

Six latent finger tips, one latent fingerprint from lower joint area of finger and latent impression were compared, insofar as possible, with available fingerprints of Gray and the other individuals, but no identification was effected. Major case prints are necessary for conclusive comparisons with these latent prints and for comparison with the three latent palm prints.

Specimens enclosed.

Your File No. 74-293
FBI File No. 72-2202
Latent Case No. B-11985

June 9, 1975

RE: JOHN DANIEL EHRLICHMAN, FBI #251121L10

Four latent fingerprints developed on three of the twenty-four pages of wiretap summaries concerning [redacted], from May 3, 1972 to June 20, 1972, have been identified as fingerprints of Ehrlichman.

b6
b7C

Your File No. 74-293
FBI File No. 72-2202
Latent Case No. B-11985

June 9, 1975

RE: DAVID REGINALD YOUNG, [redacted]

b6
b7C

Twenty-one latent fingerprints developed on eleven of the twenty-four pages of wiretap summaries concerning [redacted] from May 3, 1972, to June 20, 1972, have been identified as fingerprints of Young.

1-36 (Rev. 11-6-63)

FEDERAL BUREAU OF INVESTIGATION
LATENT FINGERPRINT SECTION WORK SHEET

Recorded: 5/27/75 3:10p.m. mcl

Reference No: 74-293
FBI File No: 72-2202 20
Latent Case No: B-11985

Received: 5/27/75

Answer to: SAC, WFO

Examination requested by: Addressee

Copy to: ICC SA Glenn D. Rosenquist Rm 5005 JEH

RE: LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION -
WATERGATE UNIT

Date of reference communication: Airtel 5/26/75 - evidence personally delivered

Specimens: 24 pages of summaries of wiretap to LFPS on 5/27/75 by Mr. [redacted] Division 6 b6 b7C

information concerning [redacted]

beg. May 3, 1972 ending

Names submitted for comparison purposes of:

THOMAS J. SMITH, DOB: 8/28/20 in Ft Worth Tex
Omes

EDWARD MILLER, DOB: 11/11/23 Ø 28
Samuel

W. MARK FELT, DOB: 8/17/13 Ø not not shown

LOUIS PATRICK GRAY, DOB: 7/18/16 Ø

RICHARD KLEINDIENST, DOB: 8/5/23 Ø in Winslow Ariz
G

no pps

(Continued on page 2)

Note: expedite

Result of examination:

Examination by: Jenkins
Evidence noted by: E Corley + ØS verified

Specs proc Kin 5-7-28, 16 to photo
no [illegible] 8 [illegible]
Need specs for photo 5/28, distained specs

Grad 6-9-75 JEJ PPP

[illegible]

advised SA Oner WM. L Davis Div 6 of ØS Ehrlichman + young as of 5/28

Examination completed 12:15 pm (Time) 6/6/75 (Date) Dictated 6/6/75 (Date)

6 fgpts + 1 pp pg 24 ← 1 d#1, 1 d#2 + 1 d#3 Young

no lat pnt of rabe remaining specs.

12 Lat fgpts (except tips & lower joint area of finger) not of fgpts of Gray or other named individuals.

6 Lat fg tips & 1 lower joint compared + 1 lat imp insofar as possible available fgpts of these individuals, no of effected nec pnts nec for comp. these lat pnts & for comparison lat pps pg

imens enclosed (per tel call fr Jo Tano WTO on 6/6/75 pg

24 enc

Buffle # 72-2202
Ref. # 74-293
LC# B-11985
Jenkins
Page 2

b6
b7C

✓DAVID R. (eginald) YOUNG, [redacted] ø

✓KATHLEEN ANN CHENOW, DOB: [redacted] ø in Wilwaukee Misc.

✓JOHN D. (aniel) EHRLICHMAN, FBI # 251 121 L10 ø no pns

✓RICHARD M. NIXON, DOB: 1/9/13 ø

✓[redacted], DOB: [redacted] ø in Germany

✓[redacted] DOB: [redacted] ø in Det Mich

44 fgpt 3 pps 1 imp 16 items

2 fgpt page #13 (1 is tip) 1 ø#7 Young

1 fgpt (lower joint) page # 16

2 1 ø Young 4 ø Ehrlichman

1 fgpt page # 17 ← ø#3 Young

1 fgpt page # 18 ← ø#4 Young

6 fgpts 1 lower joint

5 fgpts page # 19 ← 1 ø#6 Young, 1 ø#1 Young
1 ø#6, & 1 ø#7 Ehrlichman

3 fgpts page # 20 ← 1 ø#2, 1 ø#8 & 1 ø#9 Young

1 fgpt page # 23

(over)

(Pages number on rev side 1 thru 24 in order as received in 2 FPS)

Lat puts of value dev as follows

7 fgpts + 1 pp + 1 imp fg or pp page #1
← 1 Ø#1 John Daniel Ehrlichman. FBI# 25/12/10
← 2 Ø#2 + 1 Ø#6 [redacted]

6 fgpts ← 3 are tips page # 3 ← 1 Ø#6 [redacted] b6 b7C

2 fgpts page #4. ← 1 Ø#6 Ehrlichman.

(1 is tip)
4 fgpts page #5 ← 2 Ø#6 + 1 Ø#1 [redacted] b6 b7C

1 fgpt page #7 ← Ø#1 [redacted]

1 fgpt page #8 ← Ø#1 [redacted]

1 fgpt page #9 ← Ø#1 [redacted]

2 fgpts ← 1 is a tip + 1 pp page #12

see next pg

LATENT FINGERPRINT SECTION
FILE #
LC#
1-287 (REV. 3-19-75)

Pt 1

May 4, 1972

Re: [redacted]

b6
b7C

The following is a summary of pertinent information developed on May 3, 1972, concerning [redacted] at Salem, Oregon.

b6
b7C

[redacted]

E - Y

May 5, 1972

Re: [redacted]

b6
b7C

The following is a summary of nonpertinent information developed regarding [redacted] at Salem, Oregon, May 4, 1972.

[redacted]

b6
b7C

May 8, 1972

Re: [redacted] b6 b7C

The following is a summary of information developed May 5, 6, & 7, 1972, concerning [redacted] at Salem, Oregon.

[redacted] b6 b7C

FBI LATENT FINGERPRINT SECTION

FILE # [illegible]
LC # [illegible]

1-251 (REV. 3-19-51)

Y

FBI LATENT FINGERPRINT SECTION

FILE# 72-2[illegible]

LC# B-11955

1-287 (REV. 3-19-75)

Pn 4

May 16, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on May 15, 1972, concerning [redacted] Salem, Oregon. It is to be noted that no pertinent information was developed during the period May 8, 1972, through May 14, 1972.

[redacted] b6 b7C

Nothing was discussed concerning the situation involving [redacted] b6 b7C

E

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B 11935 1 of 5
1-267 (REV. 3-19-75)

May 17, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on May 16, 1972, concerning [redacted] Salem, Oregon.

[redacted] b6 b7C

Nothing was discussed concerning the situation involving [redacted] b6 b7C

y

May 18, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on May 17, 1972, concerning [redacted] Salem, Oregon.

[redacted] b6 b7C

Nothing was discussed concerning the situation involving [redacted] b6 b7C

FBI LATENT FINGERPRINT SECTION
FILE# 77 22 52
LC# B-11933
I-207 (REV. 3-19-75)
PH 7

May 23, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on May 18, 19, 20, 21 and 22, 1972, from coverage of [redacted] Salem, Oregon:

May 18, 1972

[redacted] b6 b7C

May 19, 1972

[redacted] b6 b7C

Y

SECTION
FILE# 72 2 2 2
LC# B-11135
1-287 (REV. 3-19-75)

May 19, 1972 (cont.)

[redacted] b6 b7C

May 20, 1972

[redacted] b6 b7C

May 21, 1972

[redacted] b6 b7C

May 21, 1972 (cont.)

[redacted] b6 b7C

May 22, 1972

[redacted] b6 b7C

Nothing was discussed in any of the foregoing conversations concerning the situation involving [redacted] b6 b7C

May 24, 1972

RE: [redacted]

b6
b7C

The following is a summary of nonpertinent information developed on May 23, 1972, concerning [redacted] Salem, Oregon.

[redacted]

b6
b7C

[redacted]

b6
b7C

Nothing was discussed in any of the above conversations concerning the situation involving [redacted]

b6
b7C

May 26, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed May 24, 1972, from coverage of [redacted] Salem, Oregon.

[redacted] b6 b7C

It is noted that [redacted] were scheduled to depart from Salem for their trip to California and Seattle, Washington, on May 25, 1972. On May 25, 1972, it was determined that no calls were monitored during the entire day. [redacted] are not expected back before June 1, 1972, and perhaps not until June 6, 1972, since they will be traveling in California and the State of Washington as noted in previous reports. b6 b7C

Nothing was discussed in the above conversations concerning the situation involving [redacted] b6 b7C

FILE
LC#
1 287 (REV. 3-19-75)

June 5, 1972

RE: [redacted]

b6
b7C

The following is a summary of nonpertinent information developed on May 31, and June 5, 1972, from coverage of [redacted] Salem, Oregon. It is to be noted that [redacted] were out of the city between May 26 and May 31 and between June 1 and June 5, 1972.

May 31, 1972

[redacted]

b6
b7C

June 5, 1972

[redacted]

b6
b7C

Nothing was discussed in any of the above-mentioned calls relating to the situation involving [redacted]

b6
b7C

FBI LAB. SECTION
FILE# 73-[illegible]
LC# [illegible]
1-287 (REV. 3-19-75)

13

June 7, 1972

RE: [redacted] b6 b7C

The following is a summary of information developed from coverage of [redacted], Salem, Oregon, on 6/6/72: b6 b7C

[redacted]

No other pertinent information was developed on 6/6/72.

y

June 8, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on 6/7/72 from coverage of [redacted] Salem, Oregon: b6 b7C

[redacted]

There were no other calls completed, and nothing was discussed concerning the situation involving [redacted] b6 b7C

June 9, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed from coverage of [redacted] Salem, Oregon, on June 8, 1972:

[redacted] b6 b7C

No other calls were received or made and nothing was discussed concerning the situation involving [redacted] b6 b7C

FBI LATENT FINGERPRINT SECTION

FILE# [illegible]
LC# [illegible]

1-267 (REV. 3-19-75)

June 12, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed from coverage of [redacted] Salem, Oregon, between June 9th and 11th, 1972: b6 b7C

[redacted]

The foregoing are all the calls received or made during the pertinent period. Nothing was discussed concerning the situation involving [redacted] b6 b7C

FBI LATENT FINGERPRINT SECTION
FILE# 72 2202
LC# B-11985
1-287 (REV. 3-19-75)

1 # 17

June 13, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed from coverage of [redacted], Salem, Oregon, on June 12, 1972: b6 b7C

[redacted]

No other calls were monitored and nothing was discussed concerning the situation involving [redacted] b6 b7C

Y

LATENT FINGER... SECTION
FILE# 77 2202
LC# 13 11 55
1-267 (REV. 3-19-75)

June 15, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed on June 14, 1972, from coverage of [redacted] Salem, Oregon. b6 b7C

[redacted]

Nothing was discussed concerning the situation involving [redacted] b6 b7C

Y

FBI LATENT FINGERPRINT SECTION
FILE# 72-[illegible]
LC# B 11985
1-287 (REV. 3-19-75)
pa 19

June 14, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed from coverage of [redacted] Salem, Oregon, on June 13, 1972.

[redacted] b6 b7C

No other calls were made or received and no information was discussed concerning the situation involving [redacted] b6 b7C

E-Y

[redacted]

b6
b7C

June 19

[redacted]

b6
b7C

[redacted] Nothing was discussed concerning the situation involving

b6
b7C

b6
b7C

[redacted]

June 17

[redacted]

b6
b7C

June 18

[redacted]

b6
b7C

June 19, 1972

RE: [redacted] b6 b7C

The following is a summary of nonpertinent information developed from coverage of [redacted] Salem, Oregon, between June 15, 1972, and June 19, 1972.

June 15

[redacted] b6 b7C

June 16

[redacted] b6 b7C

[redacted] b6 b7C

June 21, 1972

RE: [redacted]

b6
b7C

For your information coverage on the above-captioned individual, Salem, Oregon, was discontinued at 9:00 AM Pacific Time, June 20, 1972. No pertinent information was developed subsequent to the last report.

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 PH 23
1-267 (REV. 3-19-75)

June 20, 1972

RE: [redacted] b6 b7C

In connection with the special project involving the above-captioned individual, it should be noted that the Supreme Court ruled on June 19, 1972 that electronic surveillances could only be approved by a court in cases relating to domestic security situations. As a result the Attorney General has ordered immediate discontinuance of all surveillances of the type covered by the Supreme Court's decision.

In view of the action by the Supreme Court and in view of the fact this special project cannot be continued without the assistance of individuals not subject to our control and in further view of the Attorney General's order, it does not appear this project should be continued. Please advise.

FBI LATENT FINGERPRINT SECTION
FILE# 72-
LC#
1-267 (REV. 3-19-75)

Y

May 27, 1[illegible]

GENERAL INVESTIGATIVE DIVISION

Attached relates to the investigation we are conducting at the request of the Special Prosecution Force (SPF) into alleged perjury by Mr. Gray at his confirmation hearings in March, 1973. This alleged perjury deals with the subject of the 17 national security wiretaps.

The attached advises that Watergate Special Prosecutor arranged with White House counsel to obtain original documents from Presidential papers of Richard M. Nixon to be processed for latent fingerprints by FBI. Twenty-four original pages of wiretap summaries which were turned over to FBI 5/22/75, have been hand carried to Identification Division for examination without inspection by the General Investigative Division, in view of the latent examination requested and since White House will contact WFO 5/30/75, to determine when documents will be returned.

WLD:cjl

FD-36 (Rev. 5-22-64)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

FBI

Date: 5/26/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: Director, FBI (72-2202) (ATTN: IDENTIFICATIO DIVISION)

FROM: SAC, WFO (74-293) P

LOUIS PATRICK GRAY, 111
PERJURY
(ACCOUNTING AND FRAUD SECTION-
WATERGATE UNIT)
OO:WFO

Enclosed for the Identification Division are 24 original pages of wiretap summaries of [redacted] b6 b7C

For information of the Bureau, Watergate Special Prosecutor arranged with White House Counsel, to obtain enclosed original documents from Presidential Papers of RICHARD M. NIXON, to be processed by FBI. Assistant Special Prosecutor FRANK MARTIN furnished list of persons whose known prints should be compared against any developed Latents.

The enclosed material was turned over to Bureau Agents at 4:30pm, May 22, 1975 and the White House Office of Presidential Papers and Materials will contact WFO, May 30, 1975 to determine when the original pages will be returned.

REC-107

REQUEST OF THE IDENTIFICATION DIVISION: 72-2202-20

The Latent Fingerprint Section of the Identification Division is requested to examine the enclosed 24 pages for Latent fingerprints. If any are developed, they are to be compared with the following persons:

3 - Bureau (encls. 24) (See Outgoing Dated 6/9/75 on page 2)
1 - WFO
AJL/ajl
(4)

Approved: _____ Sent _____ 17 JUN 24 1975
Special Agent in Charge

U.S.Government Printing Office 1972 - 455-574

5/26/75

AIRTEL

TO: Director, FBI (ATTN: IDENTIFICATION DIVISION)
(72-2202)

FROM: SAC, WFO (74-293) P

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION-
WATERGATE UNIT)
OO:WFO

Enclosed for the Identification Division are 24 original pages of wiretap summaries of [redacted] b6 b7C

For information of the Bureau, Watergate Special Prosecutor arranged with White House Counsel, to obtain enclosed original documents from Presidential Papers of RICHARD M. NIXON, to be processed by FBI. Assistant Special Prosecutor FRANK MARTIN furnished list of persons whose known prints should be compared against any developed Latents.

The enclosed material was turned over to Bureau Agents at 4:30pm, May 22, 1975 and the White House Office of Presidential Papers and Materials will contact WFO, May 30, 1975 to determine when the original pages will be returned.

REQUEST OF THE IDENTIFICATION DIVISION:

The Latent Fingerprint Section of the Identification Division is requested to examine the enclosed 24 pages for Latent fingerprints. If any are developed, they are to be compared with the following persons:

3 - Bureau (encls. 24)
1 - WFO
AJL/ajl
(4)

1. THOMAS J. SMITH, former Bureau employee, 8/20/20, Texas.

2. EDWARD MILLER, former Asst. Director, FBI, 11/11/23, East Pittsburgh, Pa.

3. W. MARK FELT, Former Associate Director, FBI, 8/17/13, Twin Falls, Idaho.

4. LOUIS PATRICK GRAY, 7/18/16, St. Louis, Missouri.

5. RICHARD KLEINDIENST, former Attorney General, 8/5/23, Winslow, Arizona.

6. DAVID R. YOUNG, [redacted] b6 b7C

7. KATHLEEN ANN CHENOW, former White House Secretary, [redacted], Milwaukee

8. JOHN D. EHRLICHMAN, 251121L10, FBI.

9. RICHARD M. NIXON, 1/9/13

10. [redacted] White House Aide, DOB [redacted] b6 b7C
Hamburg, Germany

11. [redacted] POB, Detroit, Michigan, DOB [redacted]

The Identification Division is requested to expedite the above examination in order that these documents can be readily returned to the White House.

[redacted] b6 b7C

W 70 74293

Buffile No. 72-2202
LC No. B-11985
Date of Relet Aug 5/26/75
Examiner [illegible]
Noted by Corley
No. of Photos 76

Louis Patrick Gray, III
Perjury
(Accounting & Fraud Section
Watergate Cont)

44 fgpts
3 pp
1 imp
Photos of Jad Pub
72-2202

DIV. 1
CVG/ejk

b6
b7C

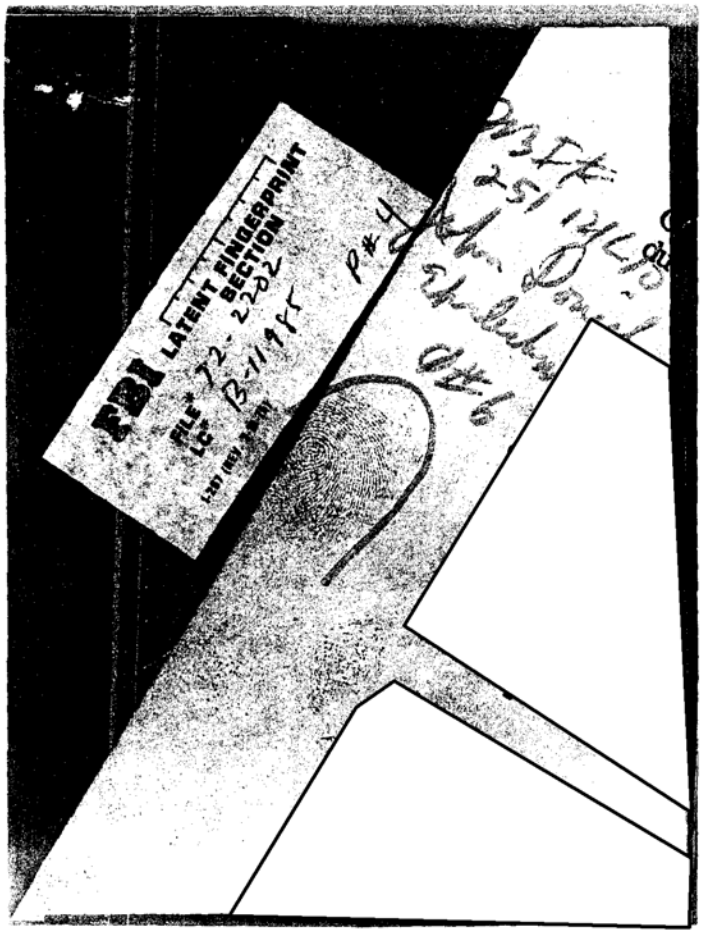
FBI LATENT FINGERPRINT SECTION
FILE 72-2202
LC B-11985 P# 8
1-267 (REV. 3-19-75)

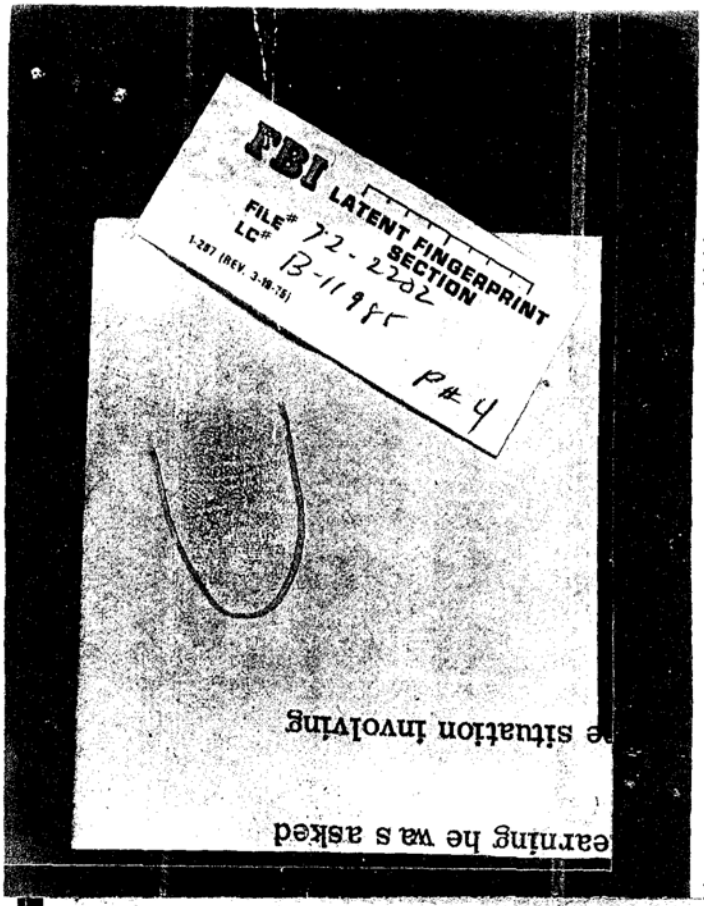
d they discussed

FBI
LATENT FINGERPRINT SECTION
FILE # 72-2202
LC # B-11985 pm 9
e foregoing

ertinent information
om coverage of
FBI
LATENT FINGERPRINT SECTION
FILE # 72-2202
LC # B-11985 pm 7
office called him and asked
own male individual called

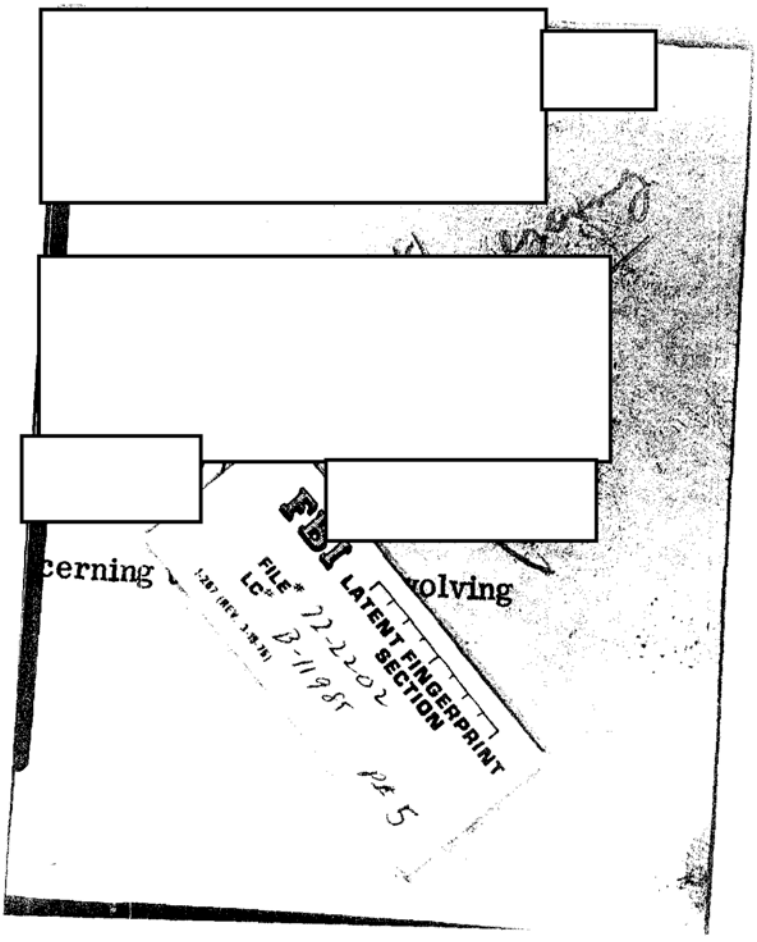
b6
b7C

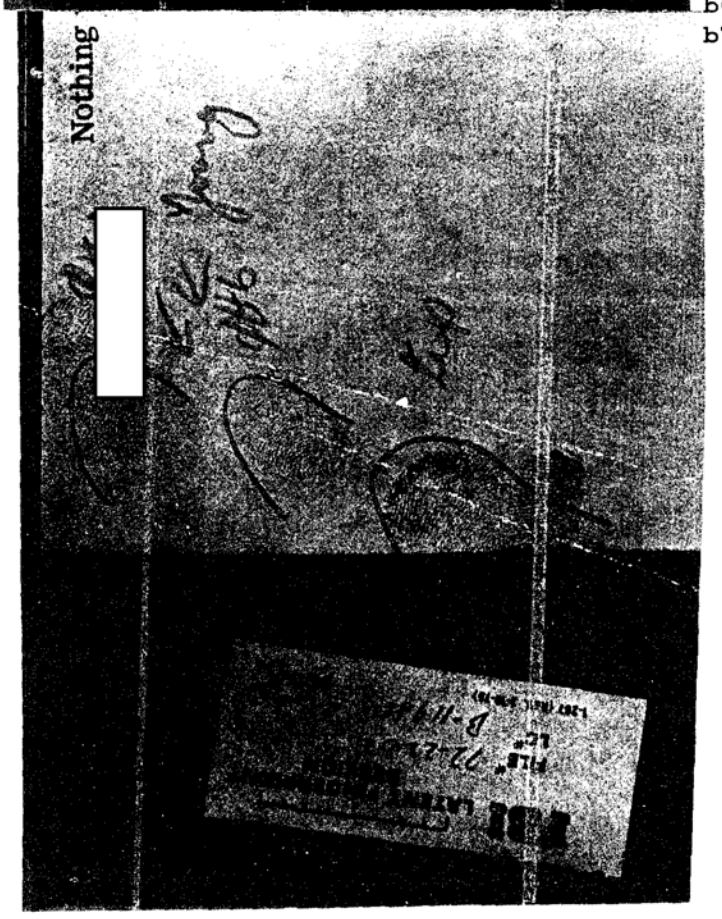

FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 4


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 4

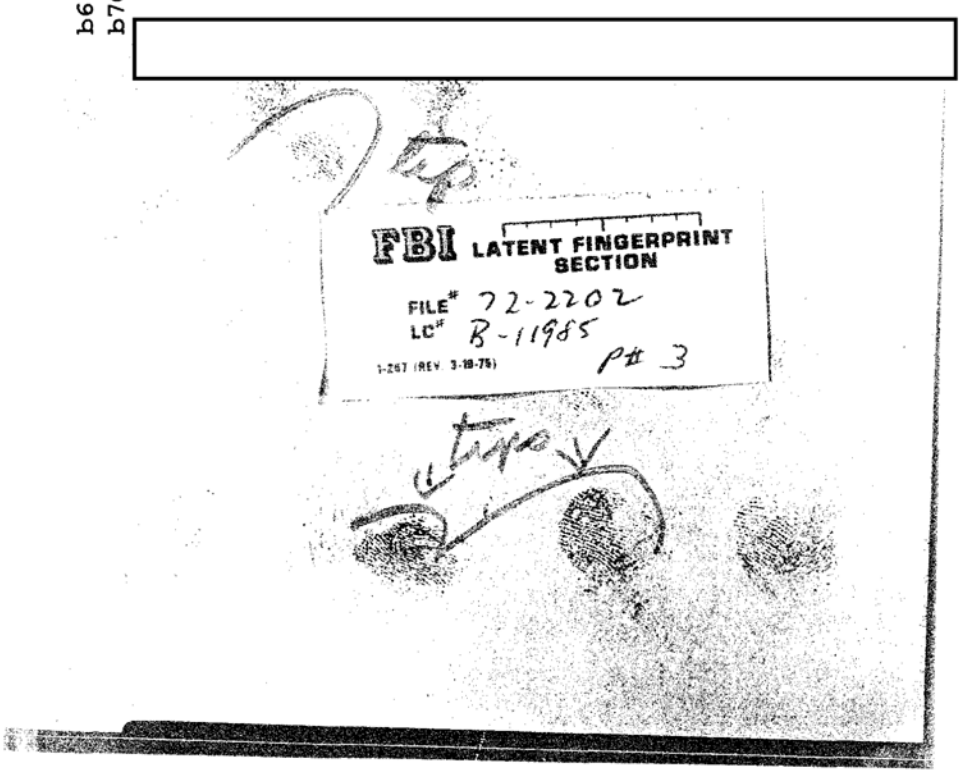
b6
b7C

b6
b7C

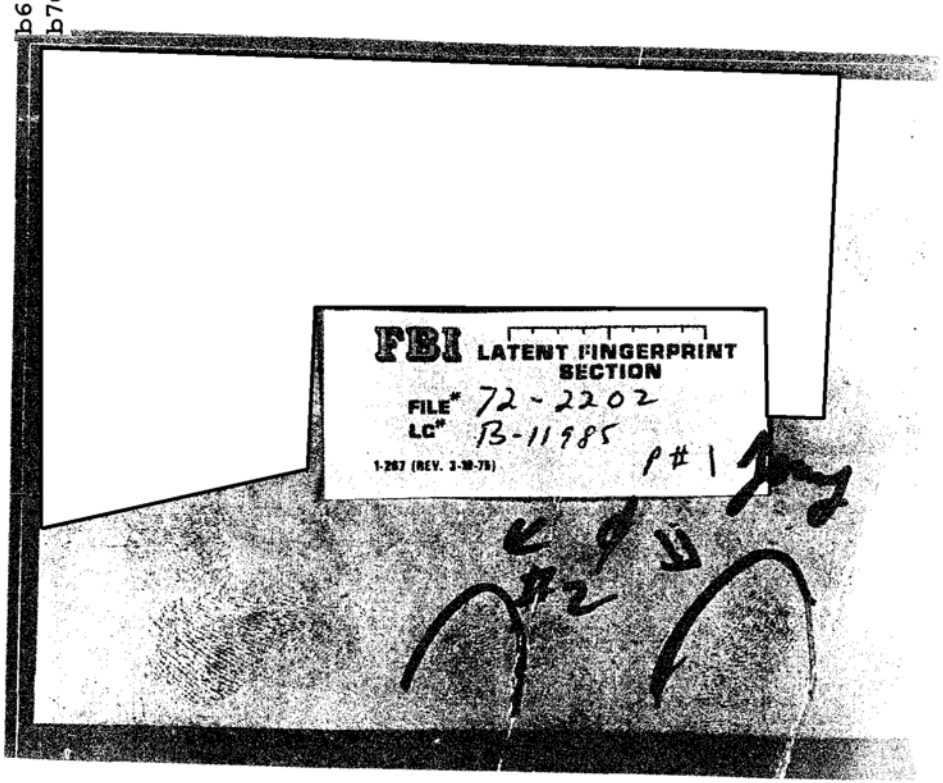

FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 5


Nothing

b6
b7C


FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
1-267 (REV. 3-19-75)
p# 3

b6
b7C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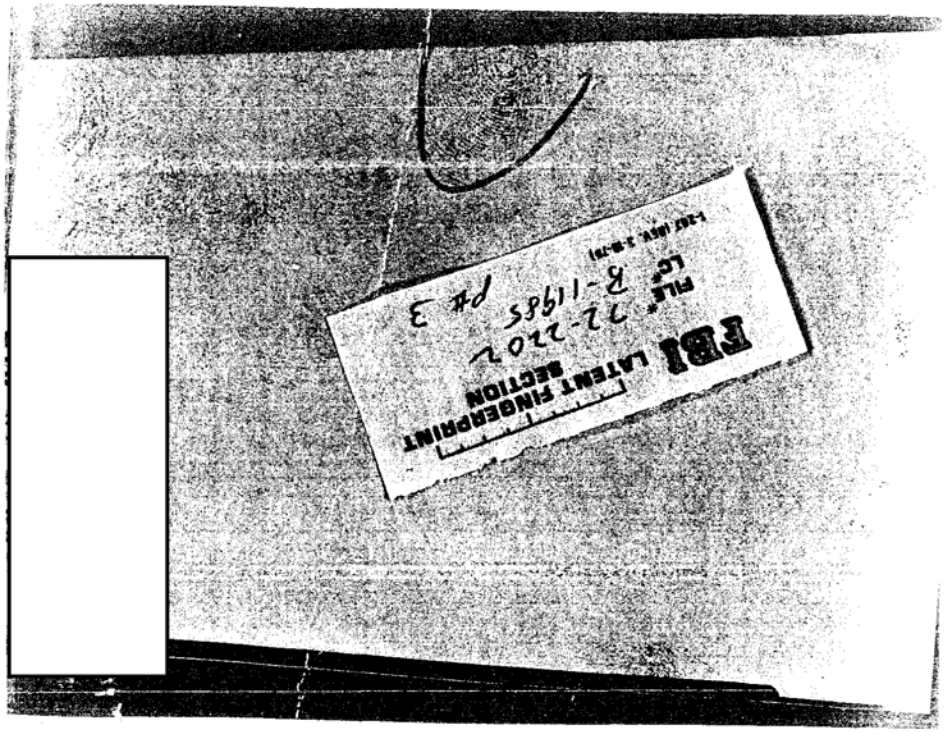
FILE# 72-2202
LC# B-11985
1-267 (REV. 3-19-75)
p# 1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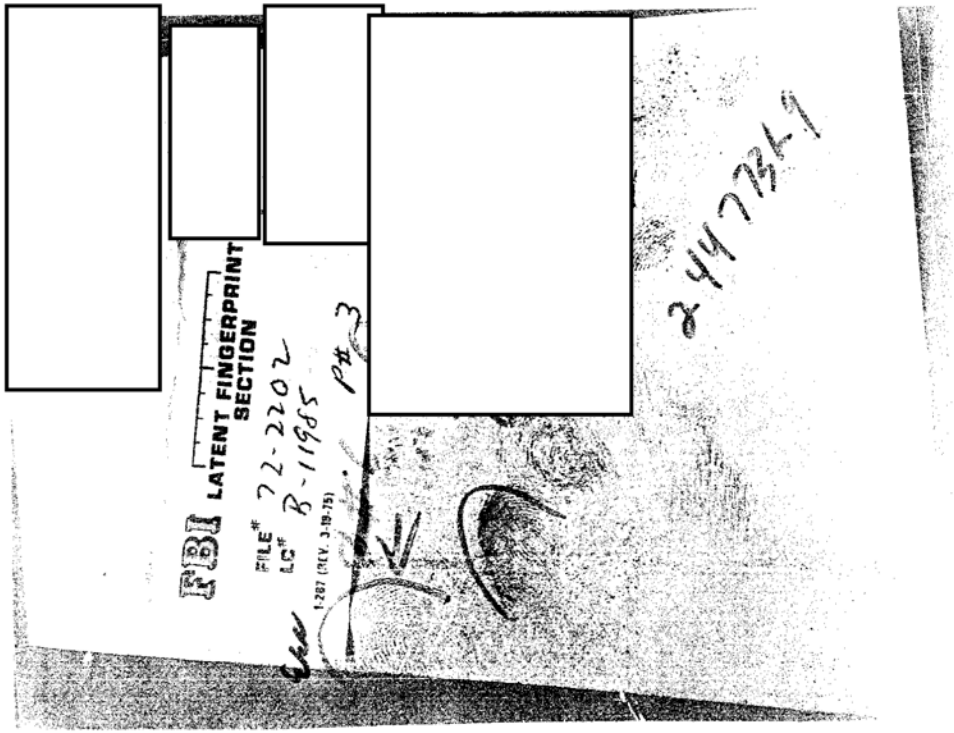
FILE# 72-2202
LC# B-11985
p# 3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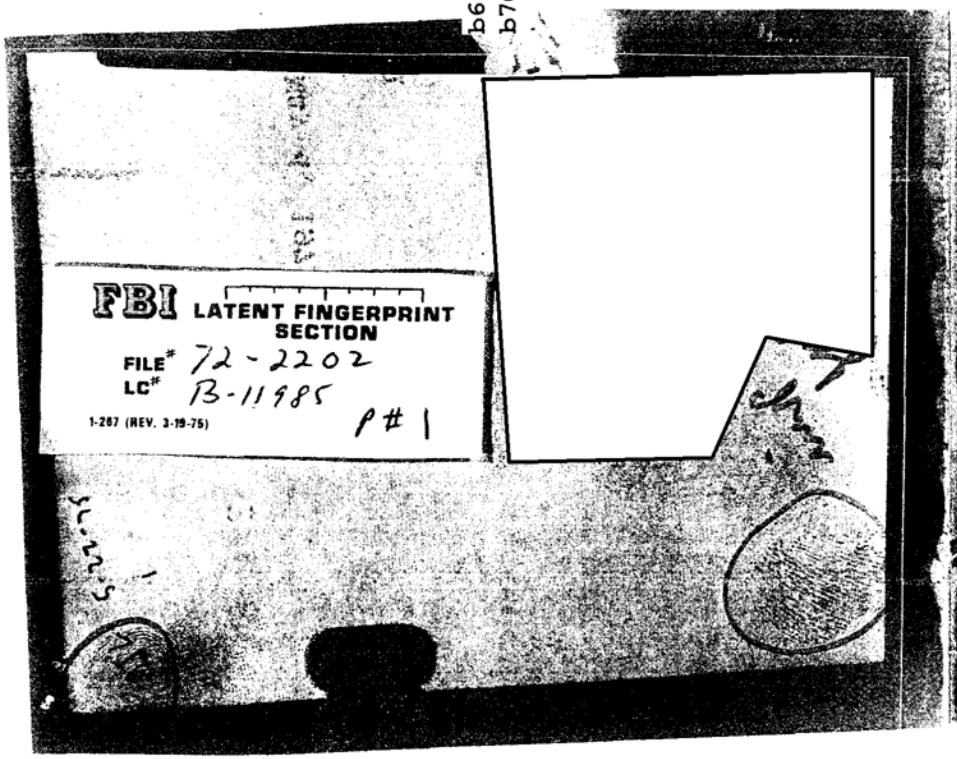
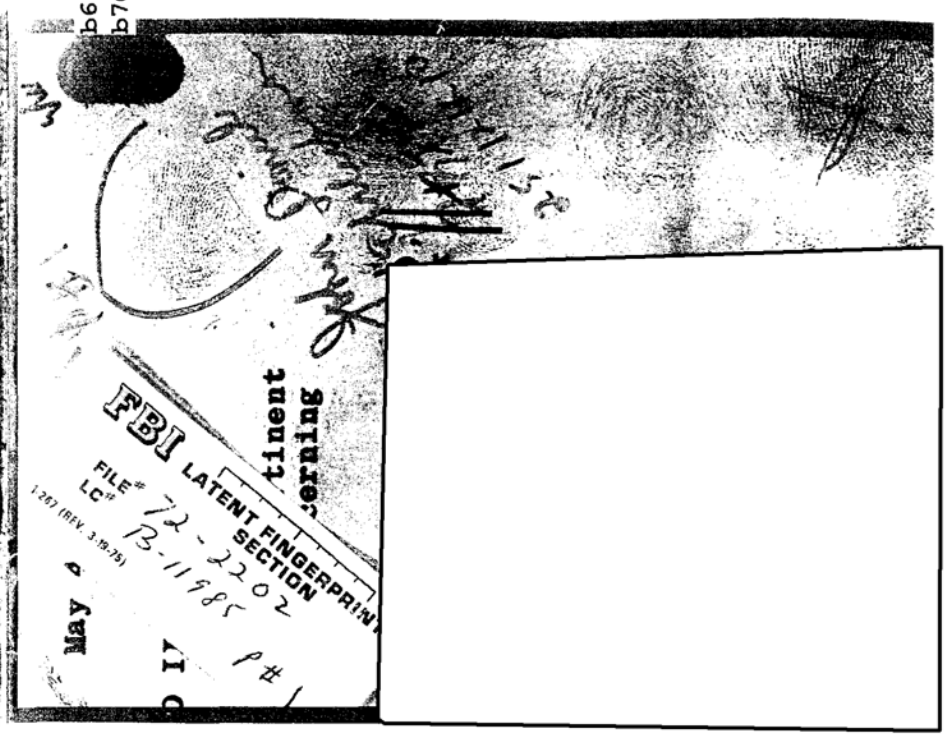
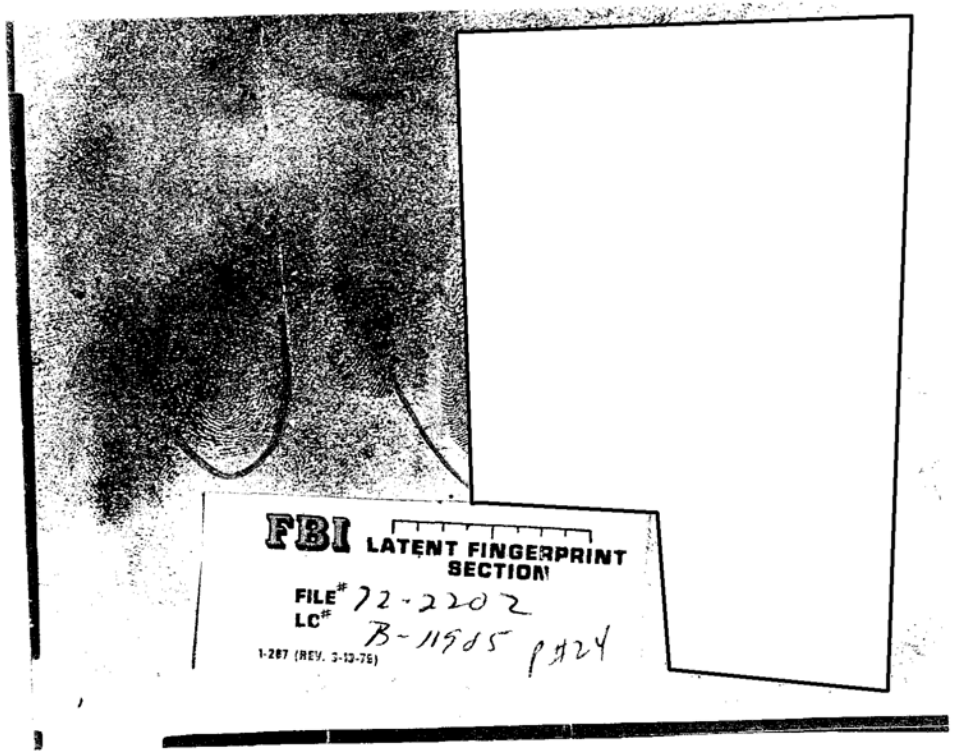
FILE# 72-2202
LC# B-11985
1-267 (REV. 3-19-75)
p# 3
2447384

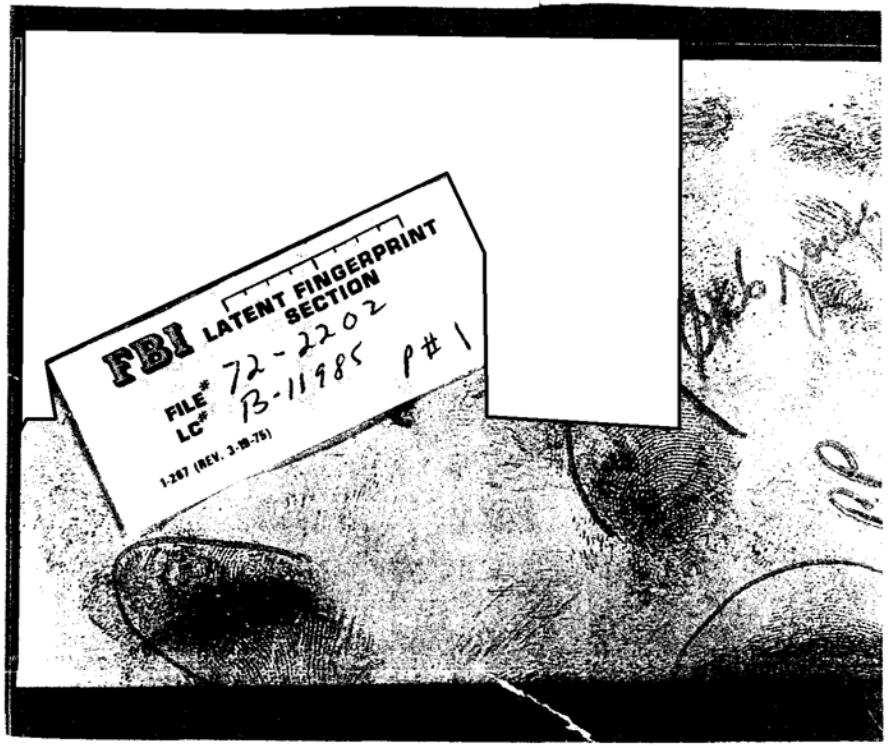
b6
b7C

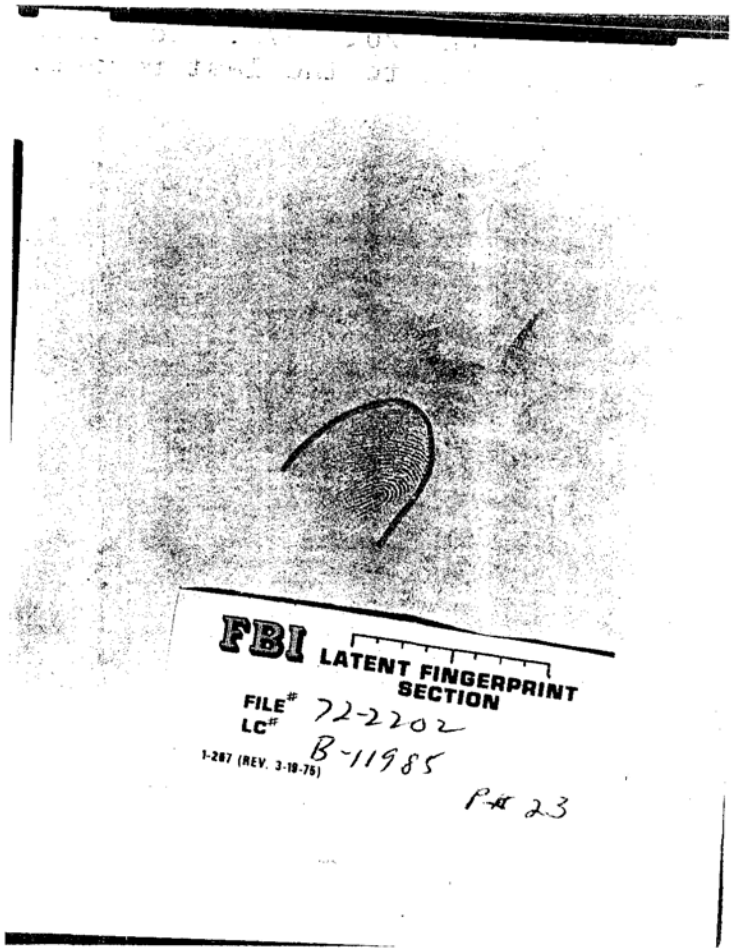

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 P#1
1-287 (REV. 3-19-75)

b6
b7C


FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 P#
1-287 (REV. 3-19-75)

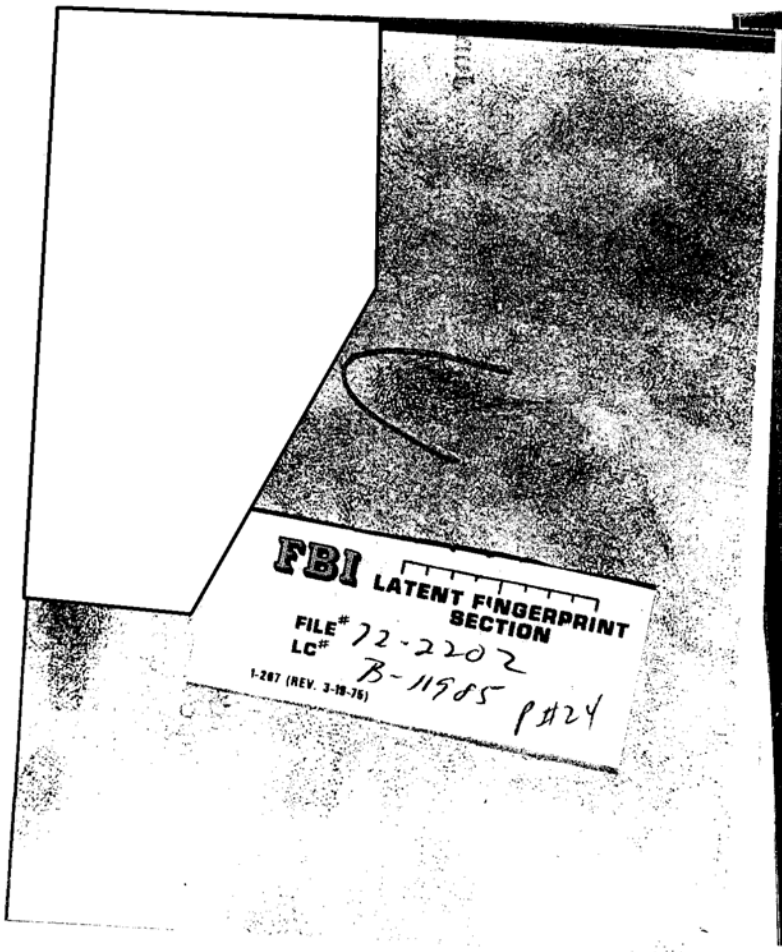

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 P#24
1-287 (REV. 3-19-75)


FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 P#1
1-287 (REV. 3-19-75)


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
1-287 (REV. 3-10-76)
P# 23

FBI
LATENT FINGERPRINT SECTION

b6
b7C


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985 P#24
1-287 (REV. 3-10-76)

FBI
LATENT FINGERPRINT SECTION

No other calls were made or received and no discussed concerning the situation involving

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
1-267 (REV. 3-10-75)
pg 19

b6
b7C

RE:

The followin
developed from covera
June 13, 1972.

FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
1-267 (REV. 3-10-75)
pg 19

b6
b7C

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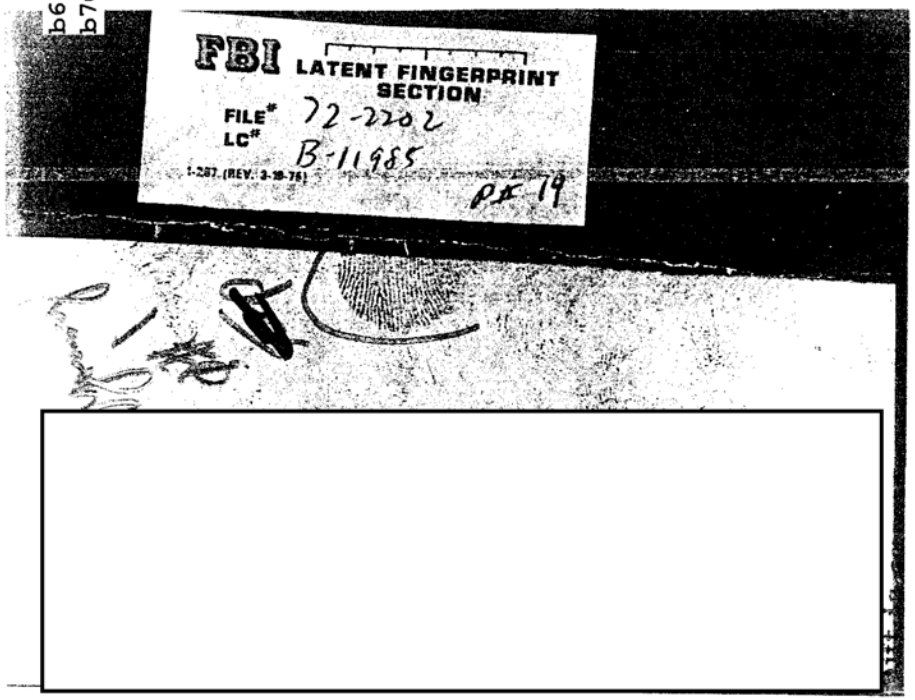
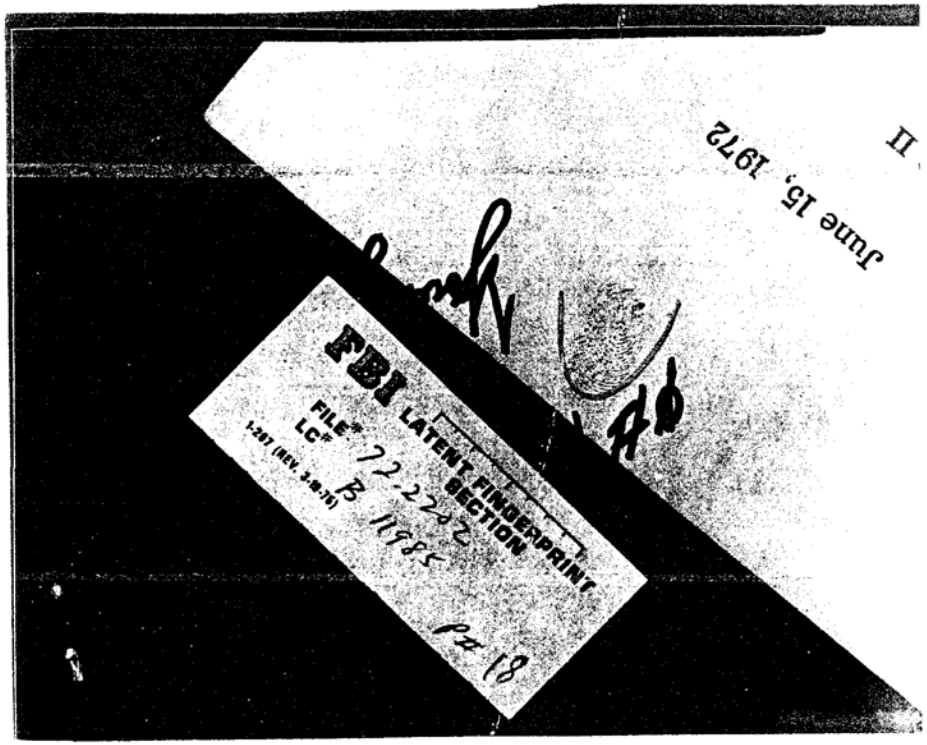
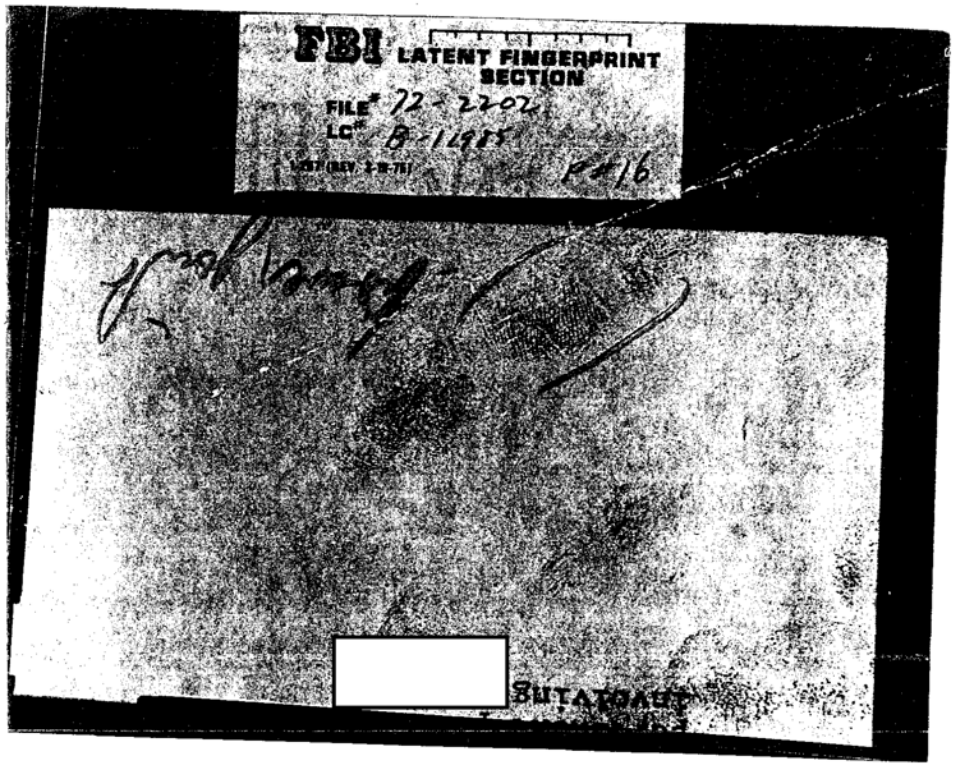
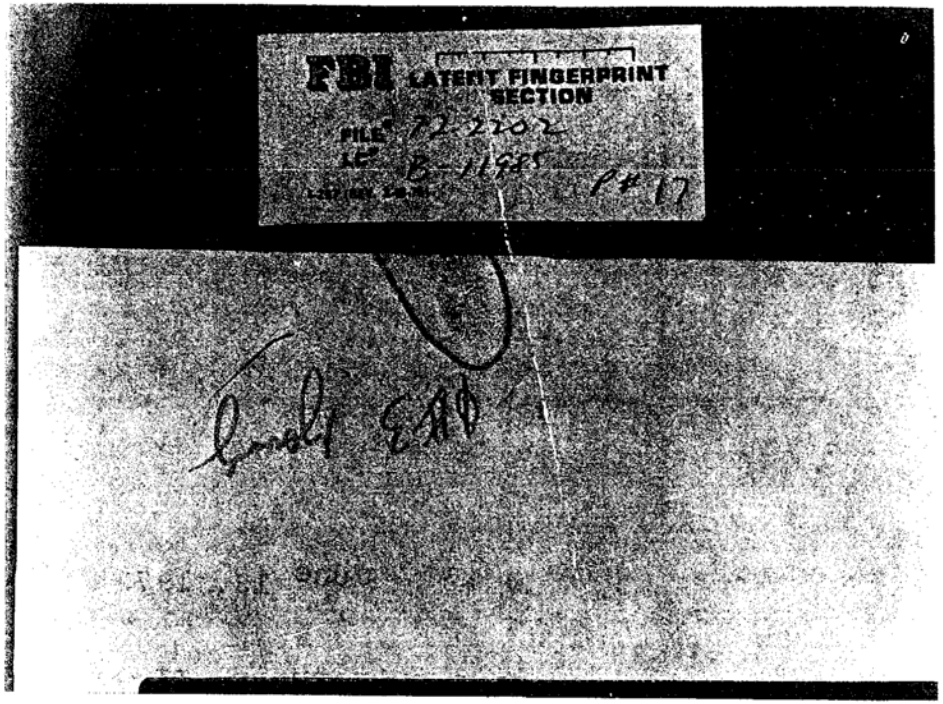

FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 19


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 18


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 16


FBI
LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# B-11985
P# 17

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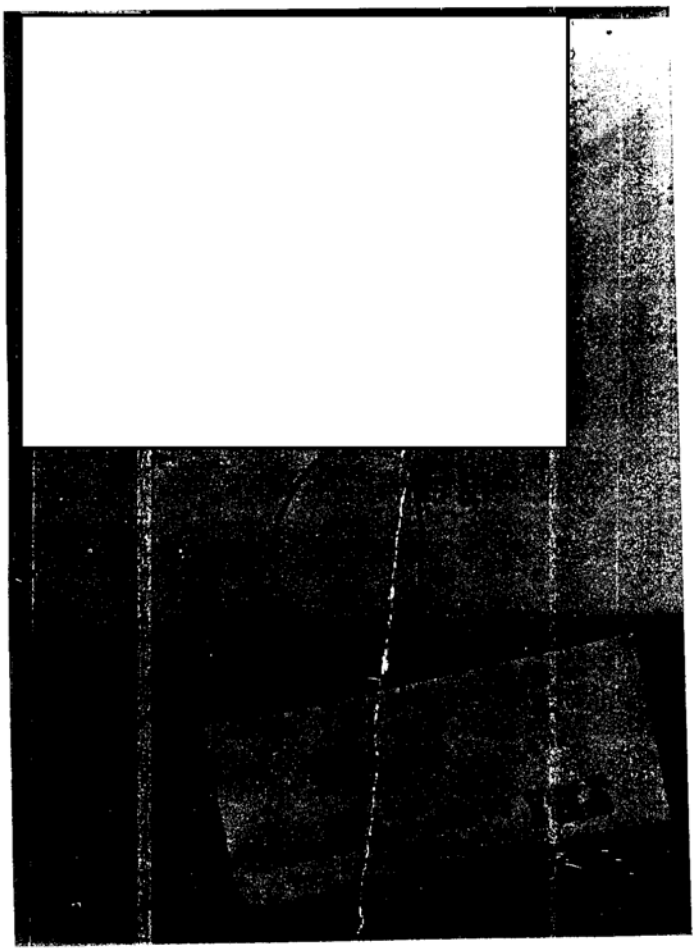

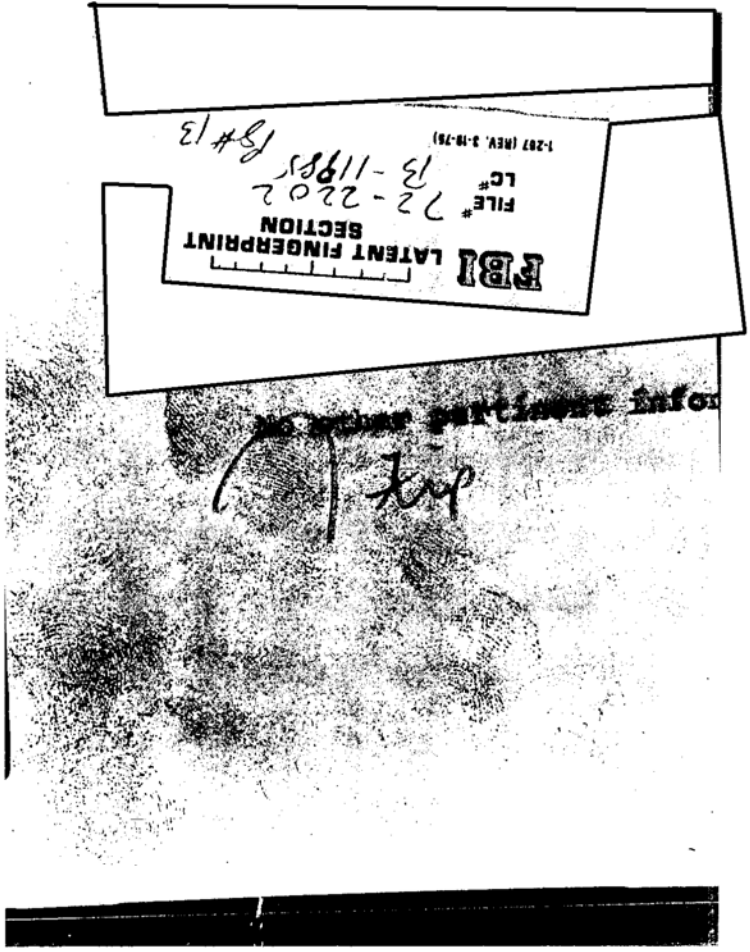
FBI LATENT FINGERPRINT SECTION
FILE# 72-2202
LC# 13-11985
No other pertinent infor

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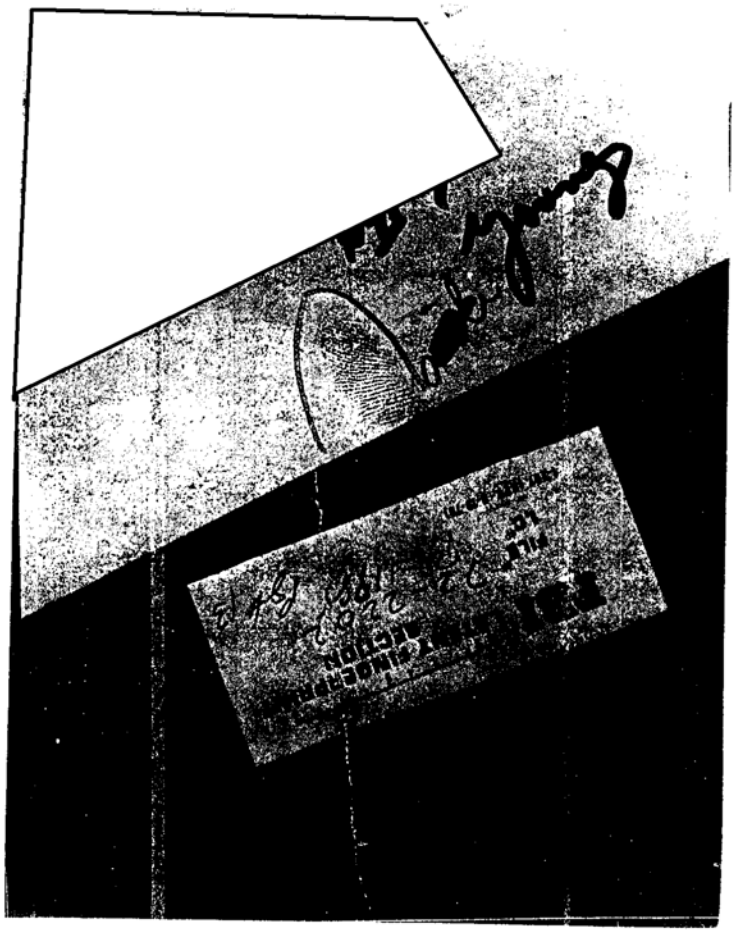

Buffile No. 72-2202
LC No. B-11985
Date of Relet Aug 1 5/26/75
Examiner [illegible]
Noted by Corley
No. of Photos 76

WFO 74293

Louis Patrick Gray, III
Perjury
(Accounting & Fraud Section -
Watergate Cmt)

44 fgpt
3 pps
1 cmp
Photos of Lab Prot

FD-36 (Rev. 5-22-64)

FBI

Date: 7/3/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO: DIRECTOR, FBI (72-2202)

FROM: SAC, WFO (74-293) (P*)

LOUIS PATRICK GRAY, III
PERJURY
(ACCOUNTING AND FRAUD SECTION-
WATERGATE UNIT)

ReBulet to WFO, 6/9/75.

Enclosed for the Bureau are the original and four copies of an LHM dated and captioned as above.

ADMINISTRATIVE:

In view of the fact that all leads have been handled, this matter is being placed in Pending Inactive status.

EX-117

ENCLOSURE

2-Bureau (ENC. 5)
1-WFO

AJL:cmr
(3)

REC-36 72-2202-21

21 JUL 16 1975

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

JUL 29 1975

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535

July 3, 1975

In Reply, Please Refer to File No.

LOUIS PATRICK GRAY, III
PERJURY

Pursuant to a request from the office of the Watergate Special Prosecutor, 24 original pages from a black binder entitled, "Special Report to the President from David R. Young, Tab Number 40...., E/S Reports" were obtained from the White House and forwarded to the Identification Division of the Federal Bureau of Investigation for processing.

On June 9, 1975, the Identification Division advised that of the 44 latent fingerprints and three latent palm prints developed, four were identified as being the prints of John Daniel Ehrlichman and 21 were identified as being the prints of David Reginald Young. None of the latent fingerprints were identified as belonging to Louis Patrick Gray, III.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1*

72-2202-21

ENCLOSURE

1 - Mr. Christensen

July 29, 1975

BY COURIER SERVICE

LOUIS PATRICK GRAY, III
PERJURY

Pursuant to the request of Special Prosecutor Henry S. Ruth, Jr. in a memorandum dated 7/17/75, it was determined that Julius Lee Mattson was a Special Agent in Charge at Portland, Oregon, and his assignment at Portland included the period from April through June, 1974. Mr. Mattson is currently the Special Agent in Charge at Miami, Florida.

The above information was telephonically furnished to Assistant Special Prosecutor Frank Martin on 7/23/75.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1 - Miami

NOTE TO SAC, MIAMI: SAC, Miami is requested to advise of contacts with Assistant Special Prosecutor Martin and results of same.

EX 104 REC-10 72-2202-22

NOTE: Details regarding this request were telephonically furnished to SAC Julius Lee Mattson by SA Ned L. Christensen on 7/28/75. It is noted that a copy of Ruth's request and a copy of this memorandum were forwarded to SAC Mattson by Form 0-7, 7/29/75.

7 AUG 7 1975

COPY RETAINED IN PERS. REC. UNIT

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NLC:mer
(5)

BY COURIER SVC.
JUL 30 P.M.
FBI

57 SEP 12 1975

MAIL ROOM ☒ TELETYPE UNIT ☐

XEROX

Pers. Rec. Unit

GPO 951-546

WATERGATE SPECIAL PROSECUTION FORCE DEPARTMENT O

Memorandum

TO :	Clarence M. Kelley Director Federal Bureau of Investigation	DATE:	July 1
FROM :	Henry S. Ruth, Jr. Special Prosecutor		

SUBJECT: Gray Perjury

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

In connection with this Office's investigation alleged perjury by former Acting Director Gray we would like to interview the Bureau official who was Special Agent in Charge of the Portland, Oregon field office during the period from April through June of 1972. The Bureau should arrange to have this official contact Assistant Special Prosecutor Frank Martin. If this official is now assigned to the Washington metropolitan area arrangements should be made for him to be interviewed at our office. If he is not in this area, Mr. Martin will conduct the interview by telephone.

Louis Patrick Gray, III

EXP PROC JUL 18 1975

REC-10 72-2202-23

12-2202-

8/7

JUL 18 1975

EX 104

SEP 5 1975

Pers. Rec. Unit

1 - Mr. Rosenquist

August 5, 1975

BY COURIER SERVICE

LOUIS PATRICK GRAY, III
PERJURY

PERS. REC. UNIT

This will confirm telephone conversation on August 5, 1975, between Special Agent Glenn D. Rosenquist and Assistant Special Prosecutor Frank Martin.

Enclosed for your reference is a Xerox copy of a four-page letter dated March 26, 1975, of L. Patrick Gray, along with pages 20 and 21 of the complaint in Civil Action Number 75-4-T. Also enclosed is a copy of an interview conducted of John Ehrlichman on July 21, 1972. You have previously been furnished with an interview of Egil "Bud" Krogh, Jr., conducted on February 6, 1975, in connection with the investigation of "Missing and Altered White House Tapes and Documents," which may assist you in comparing information furnished by L. Patrick Gray in his letter with that developed during interviews of Ehrlichman and Krogh.

You are requested to review the information furnished by Gray and advise what, if any, investigation you desire in order to resolve any inconsistencies or insinuations advanced by Gray as to prior knowledge by the FBI as to the existence of the Plumbers Operation.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

REC-10 72-2202-24

Enclosures - 4

EX 104

AUG 12 1975

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NOTE: See memo Rhyne to Gallagher 8/5/75, captioned "Peter Bohmer, et al., v. Richard Milhous Nixon, et al, (U.S.D.C., S.D. California) Civil Action No. 75-4-T." Original and one copy LHM with enclosures forwarded to SPF by O-14 this date, attention Mr. Frank Martin.

GDR:cjl (4)

57 SEP 18 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

BY COURIER SVC.
AUG 6 P.M.
FBI

GPO : 1975 O - 569-920

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Gallagher

DATE: 11/4/75

FROM : L. E. Rhyne

1 - Mr. Berthay
1 - Mr. McDermott
1 - Mr. Rhyne

SUBJECT: WATERGATE AND RELATED MATTERS

The following is a list of files which are maintained in the Accounting and Fraud Section:

LOUIS PATRICK GRAY III
PERJURY; OOJ
BUFILE 72-2202
REMOVAL OF NATIONAL SECURITY WIRETAP RECORDS
OOJ
BUFILE 72-2190

PURPOSE: It is recommended that these files be returned to Files and Communications Division. They should be maintained in the Special File Room within that division. This special handling is recommended due to the highly sensitive nature of the above mentioned cases and their content of numerous interview reports of present and retired Bureau officials and employees.

ACTION: For approval.

JLB:els (4)

REC-43 72-2220-25

EX-110

15 NOV 10 1975

UNRECORDED COPY FILED IN

Handled By Special File Room
11-11-75

1-D
NOV 10 1975

84 NOV 11 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO DIRECTOR, FBI (72-2202) DATE: 10/29/75

FROM SAC, WFO (74-293) (C)

SUBJECT: LOUIS PATRICK GRAY, III
PERJURY (Accounting and
Fraud Section - White
Collar Crime Unit)
(OO:WFO)

Re WFO airtel to Bureau 7/3/75; and WFO telcall to FBIHQ 10/28/75.

Enclosed for the Bureau is one copy of a letter dated October 7, 1975, from HENRY S. RUTH, JR., Special Prosecutor, Watergate Special Prosecution Force to CLARENCE M. KELLEY, Director, Federal Bureau of Investigation regarding captioned matter.

This will confirm WFO telcall to Acting Unit Chief [redacted], White Collar Crime Unit, FBIHQ, wherein SA [redacted] advised that the original of enclosed letter had not been received at FBIHQ and requested that WFO forward a copy of same to FBIHQ. b6 b7C

In view of the fact that the enclosed letter advises that further investigation in this matter by the FBI is unnecessary, WFO is placing this matter in a closed status.

REC-65 72 2202-26

5 NOV 7 1975

2 - Bureau (Enc. 1) (HAND CARRY)
1 - WFO

DFH:lsm
(3)

RECEIVED

19 1975

5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

TERGATE S(CIAL PROSECUTION FORCE DEPARTM

Memorandum

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: October 7, 1975

FROM : Henry S. Ruth, Jr.
Special Prosecutor

SUBJECT: L. Patrick Gray, III - Possible Perjury
(18 U.S.C. §1621, 1623)

Over the past year, at the request of this Office, the Bureau has conducted certain investigations with regard to whether or not former Acting Director Gray committed perjury during his confirmation testimony. Specifically this investigation has sought to determine whether or not Mr. Gray, at the time of his confirmation testimony, was aware of certain wiretaps conducted by the Bureau at the request of the White House. The evidence developed by the Bureau, as well as the grand jury, has been reviewed and it has been determined that this evidence is insufficient to warrant prosecution of Mr. Gray. Further investigation of this matter by the Bureau is therefore unnecessary.

72-2202-26

72-2190 STR

Airtel

11/7/75

To: SAC, WFO (74-293)

From: Director, FBI (72-2202)

1 - Mr. Davis

L. PATRICK GRAY, III
PERJURY; OOJ

Gray, Louis Patrick

Enclosed for WFO is a self-explanatory letter from the Special Prosecutor Henry S. Ruth, Jr., to the Director dated 10/17/75.

Accordingly WFO should place this matter in a closed status.

Enc.

WLD:els (4)

EX 103

REC-57 CH 41 OCT-28 72-22902-27

7 NOV 11 1975

MAILED 23
NOV 07 1975
FBI

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Coun.
Phone Rm.
Secy

MAIL ROOM ☑ TELETYPE UNIT ☐

52 DEC 5 1975

GPO : 1975 O - 569-920

Memorandum

CLASSIFICATION:

Dep. Dir.
ADD Adm.
ADD Inv.
Asst. Dir.:
Adm.Servs.
Crim.Inv.
Ident.
Insp.
Intell.
Lab.
Legal Coun.
Rec. Mgnt.
Tech. Servs.
Training
Cong. Affs. Off.
Off. of EEO
Off. Liason & Int. Affs.
Off. of Public Affs.
Telephone Rm.
Director's Sec'y

To : Assistant Director
Information Management Division

Date 10/26/90

From :
Assistant Director
Criminal Investigative Division

Subject :
LOUIS PATRICK GRAY, III
PERJURY (ACCOUNTING AND FRAUD SECTION-
WHITE-COLLAR CRIME UNIT
00: WMFO

PURPOSE: To designate file # 72-2202 or other material identified herein for handling by the SFR as indicated. Execute numbered paragraphs only as they may apply. For new cases, the SFR will insert the file number, but depositors should specify classification desired for file.

1. The attached file/document should receive special restricted processing and access in the SFR for the reasons set forth below (Specify justification):
The referenced investigation involves sensitive information concerning present Bureau Officials. This information contains numerous interviews of present and retired Bureau Official and employees. As some of the Bureau Officials are still activily employeed at this time by the Bureau, special handling of this investigation is requested until such time as they are no longer employed by the FBI. This investigations conserns National Security wiretap records which were conducted by the FBI.

72-2202-28

2. The Control Officer for file number 72-2202 is designated as the Unit Chief of the Public Corrutpion Unit Unit; Unit cost code 0622, extension number 5690, room # 3849 Alternate Control Officer is the Section Chief of the White Collar Crimes Section Section; extension number 5590, room # 3829, Division 6.

3. The following entities will be granted direct access to this file/document with the understanding that no information contained therein may be used or extracted without the knowledge and concurrence of the depositor.

a. Document Classification Appeals and Affidavits Unit
b. Name Check and Service Unit

CLASSIFICATION:

Removed Copy Filed in

CLASSIFICATION:

4. The following entities may be granted direct access to this file/document with the understanding that no information contained therein may be used or extracted without the knowledge and concurrence of the depositor. (Check as appropriate or specify additional).

a. Legal Counsel Division_____
b. Freedom of Information and Privacy Acts Section_____
c. ELSUR Index Subunit_____
d. Security Programs Unit_____
e. Industrial Security and Clearance Invest. Unit_____
f. Facility Access and Security Unit_____
g. _____

5. File #_____ should be removed from the SFR and placed in general filing space. Authorized by _____(Signature and Title).

6. The code word/name_____ should be indexed and assigned to this investigation entitled: (Show Title and identify approving communication. Also, submit search slip showing General Indices was searched.)

_____
_____
_____

APPROVED:

Director _____	Adm. Servs. _____	Legal Coun. _____	Off. of Liaison & Int. Affs. _____
Dep. Dir. _____	Crim. Inv. _____	Rec. Mgnt. _____	Off. of Public Affs. _____
ADD-Adm. _____	Ident. _____	Tech. Servs. _____	
ADD-Inv. _____	Inspection _____	Training _____	
	Intell. _____	Cong. Affs. Off. _____	
	Laboratory _____	Off. of EEO _____	

CLASSIFICATION: